

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JEFFREY W. YOUNG, JR,

Defendant.

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) NO. 1:19-cr-10040-JTF-1

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TRANSCRIPT OF JURY TRIAL PROCEEDINGS

BEFORE THE

HONORABLE JOHN T. FOWLKES, JR.

March 28, 2023

MORNING SESSION

LASHAWN MARSHALL, RPR  
OFFICIAL COURT REPORTER  
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MEMPHIS, TENNESSEE 38103

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TUESDAY

MARCH 28, 2023

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**THE COURT:** Okay. Good morning, everyone.

**MS. PAYERLE:** Good morning, Your Honor.

**MR. FERGUSON:** Good morning, Your Honor.

**THE COURT:** Any issues we need to deal with  
before we bring in the jury?

**MS. PAYERLE:** Only one, Your Honor, Mr. Herrin  
advised me to raise with you.

We looked at the proposed jury instructions.

**THE COURT:** Okay.

**MS. PAYERLE:** They were filed last evening. The  
one thing the government would just like to put on the  
Court's radar is that any elements of the crimes alleged,  
there was a lot of language about finding that somebody  
aided and abetted the defendant or that the defendant  
aided and abetted. And the government hasn't -- I mean,  
we have charged aiding and abetting in the indictment,  
but it really -- the case is that the defendant did the  
distribution and maybe have been -- would've been, on  
some occasions, aided and abetted.

And so we would just ask for the Court's

1 consideration of jury instructions that just sort of set  
2 forth the elements, minus the aiding and abetting  
3 language, just that the defendant distributed the drug  
4 knowing that it was unlawful, that kind of thing. And I  
5 think we did submit instructions to that effect, and we  
6 would just -- we'd just ask, for sort of simplicity's  
7 sake, that the Court consider those alternate  
8 instructions.

9 THE COURT: We will have a full jury instruction  
10 conference where we'll go over all of that, but I'll keep  
11 that in mind.

12 MS. PAYERLE: Thank you.

13 THE COURT: That actually simplifies things  
14 quite a bit to be able to eliminate all the language and  
15 definitions applying to aiders and abettors.

16 MS. PAYERLE: Thank you, Your Honor.

17 THE COURT: I'll keep that in mind.

18 MS. PAYERLE: Appreciate it. Thank you, sir.

19 THE COURT: Okay. Assuming that's done, I think  
20 we're ready for the jury. Bring in the jury, please.

21 (Jury in at 9:17 a.m.)

22 THE COURT: All right. Good morning, ladies and  
23 gentlemen.

24 THE JURY: Good morning.

25 THE COURT: I see most of you have adjusted to

1 the changing temperatures here in the courtroom. Easier  
2 to take off a sweater or a jacket than to be cold when  
3 you really need it, so keep that up. It's an old  
4 building, and this is the way it is, kind of up and down.

5 I think we're ready to go ahead and proceed with  
6 the proof in the case. I think all the preliminaries  
7 have been done, and now we're ready to get into the --  
8 the testimony, the evidence.

9 I'm going to turn to the government and ask if  
10 you would please -- to call your first witness.

11 **MR. PENNEBAKER:** Thank you, Your Honor.

12 **THE COURT:** Mr. Pennebaker?

13 **MR. PENNEBAKER:** Yes, Your Honor. The  
14 government calls Heather Goslee.

15 **THE COURT:** All right. Step forward right up  
16 here. Okay. You're fine right there.

17 If you would, please raise your right hand to  
18 receive the oath.

19 (The witness was duly sworn.)

20 **THE WITNESS:** I swear.

21 **THE COURT:** Have a seat right here, if you  
22 would, please.

23 (The witness complies with the request.)

24 **MR. PENNEBAKER:** And Your Honor, apologies for  
25 doing this after a witness has been sworn in, but the

1 government would like to invoke the rule.

2           **THE COURT:** Okay. The rule has been called for,  
3 so both sides, you will need to sequester your witnesses  
4 accordingly.

5           **MR. PENNEBAKER:** Thank you, Your Honor.

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1                                   **HEATHER GOSLEE,**  
2       having been first duly sworn, was examined and testified  
3       as follows:

4                                   **DIRECT EXAMINATION**

5       **BY MR. PENNEBAKER:**

6       Q.       Good morning, Ms. Goslee.  
7       A.       Good morning.  
8       Q.       Will you state your name for the record, please.  
9       A.       Heather Goslee.  
10      Q.       And spell your last name for the court reporter.  
11      A.       G-O-S-L-E-E.  
12      Q.       Ms. Goslee, what do you do for a living today?  
13      A.       I'm a certified pharmacy technician.  
14      Q.       Whereabouts?  
15      A.       In Walgreens. At Walgreens in Milan, Tennessee.  
16      Q.       Do you know a nurse practitioner named Jeffrey  
17      Young?  
18      A.       I do.  
19      Q.       Do you see him here in the courtroom today?  
20      A.       I do.  
21      Q.       Can you identify him by an article of clothing that  
22      he's wearing?  
23      A.       Navy blue sports jacket.  
24      Q.       Okay. How do you know Mr. Young?  
25      A.       I was his office manager at Preventagenix.

1 Q. So you're familiar with Preventagenix. Where is  
2 that?

3 A. Preventagenix is located in -- it was located in  
4 North Jackson.

5 Q. Do you remember the exact address?

6 A. Murray Guard Drive, I believe.

7 Q. That's good enough. Thank you very much.

8 What was Mr. Young's role at Preventagenix?

9 A. He was the owner and nurse practitioner.

10 Q. Is it fair to say he was in charge there, too?

11 A. Yes, sir.

12 Q. Day to day?

13 A. Yes, sir.

14 Q. And you mentioned that your role was office  
15 manager, correct?

16 A. Yes, sir.

17 Q. What duties did you have as Mr. Young's office  
18 manager at Preventagenix?

19 A. My daily duties were to -- I did the billing. We  
20 had billing company. I would send all of the fee  
21 tickets. After Jeff would review them, I'd send them to  
22 the company for us to get reimbursed. I handled the  
23 payroll, paid the bills, made sure we were staffed, made  
24 sure that everything was set up for the clinic, did the  
25 ordering.

1 Q. Did you help Mr. Young out in his personal affairs,  
2 too?

3 A. I did.

4 Q. Did he have a name for you?

5 A. Number one biotch (phonetic).

6 Q. And why do you think he called you that?

7 A. We were friends.

8 Q. You were doing a lot for him at the time, correct?

9 A. I was.

10 Q. All right. During what time frame around did you  
11 work as the office manager?

12 A. I started in September of 2014.

13 Q. When did you leave?

14 A. August of 2015.

15 Q. Okay. In September of 2014, is that when  
16 Preventagenix opened?

17 A. It is.

18 Q. What did you -- what was your -- how did you find  
19 out about that job?

20 A. Jeff was a fill-in nurse practitioner for a  
21 previous clinic that we worked at, and I went along with  
22 him to his new clinic.

23 Q. When you went along with him to his new clinic, did  
24 he have tattoos?

25 A. He did.

1 Q. Would you describe him, at that time, as a  
2 conventional-looking or -speaking practitioner?

3 A. Yes.

4 Q. Why did you follow him to Preventagenix?

5 A. He asked me to. He trusted me with a lot of things  
6 and believed that we would work well together.

7 Q. What was it about him that told you that that was a  
8 good move for you?

9 A. I believed in him.

10 Q. Did you believe that he was a good clinician?

11 A. I believe he was a good clinician, yes.

12 Q. Did you have experience as an office manager when  
13 you started? Did you have much experience?

14 A. Not much at all.

15 Q. What kind of clinic was Preventagenix when it  
16 opened?

17 A. Family medicine. And we wanted to see a lot of  
18 heart- and stroke-prevention patients.

19 Q. Was that sort of the deal as it was described to  
20 you by the defendant when you went with him?

21 A. Correct.

22 Q. Did that change at some point?

23 A. It did.

24 Q. And tell the jury how that changed.

25 A. I was concerned when I started seeing a lot of

1 prescriptions -- overwriting, in my opinion, of  
2 controlled substances, and it bothered me and . . .

3 Q. You mentioned that you left around August of 2015?

4 A. Yes, sir.

5 Q. Why did you leave?

6 A. We had a big argument. We had opened up another  
7 clinic downtown, and we had a big argument over the --  
8 over texts and over the phone, and he fired me.

9 Q. Okay. I want to talk more about that change  
10 between when Preventagenix opened and when you left.

11 Was there a change in the number of patients that  
12 would come in every day?

13 A. Yes, sir.

14 Q. And describe that change to the jury, please.

15 A. In the beginning, we saw probably 15 to 25 patients  
16 a day. Towards the end, when I left, we were seeing, I'd  
17 say, 40 to 55 a day.

18 Q. Was there a change in the type of patients that  
19 were coming in? And just remembering that you're under  
20 oath; you don't need to be polite.

21 A. Yes, sir. They were, in my words, I'll say  
22 trashier, smell -- smell bad like they'd been rolling  
23 around in cigarettes and just not the -- not the type  
24 that was coming in at the beginning.

25 Q. What was that type?

1 A. Had your older, 50s -- 40s-to-60s patients. In the  
2 end, you were seeing a lot more younger people, 20s to  
3 40s.

4 Q. At the end, you mean?

5 A. Yes, sir.

6 Q. Now, in the beginning, you mentioned that it was a  
7 cardiology and family practice focus, right?

8 A. Yes, sir.

9 Q. Can you tell the jury a little bit more about why  
10 that cardiology piece was part of the equation?

11 A. Jeff has a -- had a good background in cardiology.  
12 He worked in a cardiology clinic, and he went to several  
13 meetings and places and did speaking for heart and stroke  
14 prevention, so he wanted to focus on that, along with  
15 family medicine.

16 Q. Before Preventagenix, did he have a good reputation  
17 as a cardiology nurse practitioner specialist in Jackson?

18 A. I believe so.

19 Q. Can you describe the changes in prescriptions from  
20 the beginning with the family cardiology to the end?  
21 What did that change in prescriptions look like and the  
22 defendant's prescribing?

23 A. Can you repeat the question?

24 Q. Yes. Terrible question.

25 Did Mr. Young's prescribing change over time?

1 A. I believe so.

2 I was concerned. At one point, we were giving too  
3 many of what's called a controlled substance, narcotics,  
4 when they would come in for smaller, not heart and  
5 health. But there was a lot of pain management going  
6 out, and with my background in pharmacy, I just thought  
7 it was a lot, so I addressed it with him.

8 Q. When -- when the prescribing changed to a lot of  
9 pain management going out, in the waiting room, did you  
10 see people with walkers and wheelchairs, people who  
11 looked like they were impaired in their mobility?

12 A. And my office was on the other side of the  
13 building, so I did not see a lot of patients. But the  
14 patients that I did see when I would go to the front  
15 reception area, I did not. No.

16 Q. Okay. And I'd like you, if you will, to describe  
17 to the jury whether there was a change in Mr. Young  
18 during that time personally.

19 A. Change?

20 Q. Just a change in how Mr. Young -- a change in his  
21 demeanor, a change in his lifestyle.

22 A. Jeff always had the motto of "work hard, play  
23 harder." He liked to party.

24 As far as demeanor?

25 Q. Toward you.

1 A. Toward me, I mean, I thought at the beginning, Jeff  
2 and I had a really good relationship. I thought he  
3 trusted me to take -- you know, to help with the clinic.  
4 Towards the end, he didn't agree. He -- I was not the  
5 doctor, and I was told that several times, and I  
6 understand that. But coming from a pharmacy background,  
7 I had concerns. I would get calls from the pharmacists  
8 about the prescriptions being written and would have to  
9 address it to him.

10 Q. I'm going to show you a text message exchange.  
11 It's marked for identification as Government's 221.

12 Do you recognize that?

13 **MR. PENNEBAKER:** Not to publish to the jury just  
14 yet. Thank you.

15 Oh, it won't --

16 **CASE MANAGER:** Correct, it's not broadcasting.

17 **MR. PENNEBAKER:** Okay. That's not a problem.

18 (A document was passed to the witness.)

19 **BY MR. PENNEBAKER:**

20 Q. I'll hand you --

21 A. Okay.

22 Q. -- what's been so marked.

23 A. Yes.

24 Q. Is that something you recognize?

25 A. I do.



1           **MR. PENNEBAKER:** Your Honor, the government  
2 would offer what will -- what is marked as Government's  
3 221, but we'll offer as Exhibit 1.

4           **THE COURT:** Excuse me. All right. How many  
5 pages? Just the one?

6           **MR. PENNEBAKER:** It is probably five pages,  
7 six -- five or six.

8           **THE COURT:** I need to know what it is. Is it an  
9 e-mail chain?

10           **MR. PENNEBAKER:** It's a text message chain, Your  
11 Honor.

12           **THE COURT:** Text message exchange.

13           Okay. As I said before, Mr. Ferguson, if you  
14 have any objection to any of this, please let me know.

15           **MR. FERGUSON:** I will, Your Honor. I don't  
16 expect any, but if I do, I'll jump up.

17           **THE COURT:** We'll go ahead and receive the  
18 documents. It will be Exhibit Number 1 to the witness'  
19 testimony, a five-page document.

20           (The above-mentioned item was marked as  
21 Exhibit No. 1.)

22           **MR. PENNEBAKER:** And Your Honor, I apologize. I  
23 didn't ask to approach the witness. Do you want me to do  
24 that?

25           **THE COURT:** You don't have to ask.

1                   **MR. PENNEBAKER:** Okay. Thank you, Your Honor.

2                   And Ms. Silverberg, if you would, please,  
3 publish to the jury the first page of that exhibit.

4                   **BY MR. PENNEBAKER:**

5                   Q.       So Ms. Goslee, is -- who's in the blue, and who's  
6 in the green here?

7                   A.       I'm in the blue, and Jeff is in the green.

8                   Q.       Okay. So you read your messages, and I'll read  
9 Jeff's; is that all right?

10                  A.       Yes, sir.

11                  **THE COURT:** Can you increase the size? My eyes  
12 are not that good. I can't read the -- I'll just be  
13 honest with you; I can't read.

14                  **MR. PENNEBAKER:** Can everybody see that okay  
15 now?

16                  **THE JURY:** Yes.

17                  **MR. PENNEBAKER:** Okay. Judge, is that all  
18 right?

19                  **THE COURT:** Go ahead.

20                  **MR. PENNEBAKER:** Little more? We can -- we can  
21 zoom in on the first two, and then go to the --

22                  **THE COURT:** That's all right. That's fine.  
23 They can read it, and that's what's important.

24                  **MR. PENNEBAKER:** Okay.

25                  **THE JURY:** Oh, now.

1                   **MR. PENNEBAKER:** Technology. Going to get  
2 there.

3 **BY MR. PENNEBAKER:**

4 Q. All right. Go ahead, Ms. Goslee.

5 A. "Where are you?"

6 Q. "My house with Kate."

7 A. "We need to talk seriously tomorrow. I'm not happy  
8 about all of this C2 prescriptions."

9 Q. Okay. Do you see the date there, Ms. Goslee?

10 A. February 5, 2015.

11 Q. And that's about six months before you left?

12 A. Yes, sir.

13 Q. You mentioned a little bit about this already. I'm  
14 not sure that we talked specifically about the C2. What  
15 is a C2?

16 A. C2 is a controlled substance, for example  
17 hydrocodone; Percocet, known as oxycodone, Oxytocin.  
18 They're our lock-up drugs. They're potentially abusive  
19 medications for pain.

20 Q. All right. Thank you.

21 And why weren't you happy about the C2s?

22 A. I was getting a lot of calls from the pharmacy  
23 questioning the amount being written, and the pharmacists  
24 were concerned that I was there and seeing that they were  
25 going out.

1           **MR. PENNEBAKER:** Ms. Silverberg, if we could go  
2 to the second page, please, and zoom in on that top part.

3 **BY MR. PENNEBAKER:**

4 Q. And go ahead and keep reading, Ms. Goslee.

5 A. Okay.

6 "And you told her you didn't know I canceled it?"

7 Q. "Nope. Explained to her about the multiple  
8 prescription. So" -- oh, go ahead.

9 A. "You need to listen to me."

10 Q. And then it looks like there's an attachment that's  
11 being sent.

12           **MR. PENNEBAKER:** Go ahead to Page 3,  
13 Ms. Silverberg.

14 **BY MR. PENNEBAKER:**

15 Q. "I handle my shit."

16 A. "You know damn well she doesn't need all that  
17 shit."

18 Q. "I didn't know about all the other shit."

19           **MR. PENNEBAKER:** And Ms. Silverberg, if you  
20 would just leave that there.

21 **BY MR. PENNEBAKER:**

22 Q. Ms. Goslee, what did you mean when you said "she  
23 doesn't need all that shit"?

24 A. All of the narcotics.

25 Q. Okay.

1                   **MR. PENNEBAKER:** Go ahead, Ms. Silverberg.

2           A.        "You know she's a dooper. By the way, the  
3           pharmacist informed me she would be at the clinic in the  
4           morning."

5           **BY MR. PENNEBAKER:**

6           Q.        What's a dooper?

7           A.        Someone that takes a lot of medication.

8           Q.        Is that someone that abuses medication?

9           A.        Yes, abuses.

10          Q.        Why are you telling the defendant you know she's a  
11          dooper?

12          A.        Because I was concerned for him. I knew he knew  
13          that she was a dooper, and I didn't want him writing her  
14          prescriptions for that kind of stuff.

15          Q.        Were you worried about getting in trouble?

16          A.        I was. I was worried about him getting in trouble.

17          Q.        So by the time of this text message exchange, was  
18          the change in the patient population and what was going  
19          on at Preventagenix -- was that in full swing by this  
20          time?

21          A.        Not in full swing.

22          Q.        Had it -- had the change started sufficiently so  
23          that you felt the need to warn him?

24          A.        I would say starting, yes.

25          Q.        Was it the first time you ever warned him?

1 A. I don't recall this being the first time.

2 Q. Thank you.

3 **MR. PENNEBAKER:** So Ms. Silverberg, if we could  
4 go to the next page, please.

5 **BY MR. PENNEBAKER:**

6 Q. And just that first message, Ms. Goslee.

7 A. "I don't know. She's your friend."

8 Q. Was she the only friend he was prescribing to at  
9 this point C2s, that you know of?

10 A. No, sir.

11 **MR. PENNEBAKER:** You can take it. Thank you.

12 **BY MR. PENNEBAKER:**

13 Q. Tell the jury a few of the other -- or if there are  
14 more than one, who the other friends that he was  
15 prescribing to that you're aware of at this time.

16 A. Friends, co-workers?

17 Q. Sure.

18 A. You want me to name names?

19 Q. Yes, please.

20 A. Daphne; he prescribed for myself; Daniel Rogers;  
21 Alicia Ferra (phonetic). Those were some of the people  
22 that we worked with.

23 Q. Who was his best friend at the time?

24 A. Kevin Phillips.

25 Q. And was he prescribing to Mr. Phillips also?

1 A. I'm not 100 percent on that.

2 Q. Okay. And you mentioned Daphne. Who was that?

3 A. His girlfriend.

4 Q. Was Daphne also an employee?

5 A. She was.

6 Q. Was she also getting prescriptions?

7 A. She was.

8 Q. Now, how do you know what Mr. Young prescribed to  
9 Daphne?

10 A. I would get the charts in the back at the end of  
11 the day, and we made copies of the prescriptions, the  
12 controlled prescriptions, to put in the chart to know  
13 what he was writing.

14 Q. Where in the clinic did she work?

15 A. She was the front receptionist.

16 Q. How long did she work in that position?

17 A. I want to say about four months. I'm not 100  
18 percent on the timing because this was eight years ago,  
19 but I want to say about four months.

20 Q. Would you see her in the clinic most days?

21 A. Yes.

22 Q. And during that time, did you see her moving around  
23 like she was in pain?

24 A. No.

25 Q. Did you see her wearing a back brace or any kind of

1 a neck brace, any --

2 A. No, sir.

3 Q. -- medical -- durable medical equipment or anything  
4 like that?

5 A. No, sir.

6 Q. Was Jeff Young -- did you ever hear her complain  
7 about pain?

8 A. I did not.

9 Q. Was Jeff Young also involved in a sexual  
10 relationship with Daphne?

11 A. He was.

12 Q. Did he bring that relationship into the office?

13 A. I recall one morning I came into work. My office  
14 was right beside Jeff's. And I go into Jeff's office  
15 every morning to get the charts where he had signed the  
16 night before so I could send them off, and I noticed  
17 there was two boob marks on the desk. And it just  
18 infuriated me. It flew all over me.

19 Q. Why did that infuriate you?

20 A. Because it was a place of business; it was a  
21 clinic.

22 Q. I'm going to hand you what's been marked for  
23 identification as Government's 614.

24 (A document was passed to the witness.)

25 **BY MR. PENNEBAKER:**



1 Q. Is that a picture of Mr. Young's office?

2 A. It is.

3 **MR. PENNEBAKER:** Your Honor, I would offer  
4 what's -- we're going to mark as Government's Exhibit 2  
5 into evidence.

6 **THE COURT:** Okay. That will be marked as  
7 Exhibit 2. It's just one photo or multiple?

8 **MR. PENNEBAKER:** Yes, Your Honor, it's just one.

9 **THE COURT:** Okay. That's fine. Photograph of  
10 the office will be received.

11 (The above-mentioned item was marked as  
12 Exhibit No. 2.)

13 **MR. PENNEBAKER:** And Ms. Silverberg, will you  
14 publish, please?

15 **BY MR. PENNEBAKER:**

16 Q. And Ms. Goslee, just because the jury hasn't been  
17 inside the building, is that Mr. Young's office that  
18 you're talking about?

19 A. It is.

20 Q. And is that the desk that you're talking about?

21 A. That's the desk.

22 Q. Was there anything else about the state of affairs  
23 on that desk that made you think that?

24 A. Well, the morning I walked in -- where the charts  
25 are on the front of the desk, they were knocked out of

1 the way, and that's where the marks were on the table.

2 Q. Okay. Did you confront him about this?

3 A. I did.

4 Q. What did you say?

5 A. I can -- I don't want to -- I asked him what the  
6 hell he was doing in his office having sex.

7 Q. What did he tell you?

8 A. He laughed.

9 Q. And you mentioned earlier that Jeff Young was  
10 prescribing to employees other than Daphne at this point?

11 A. Yes.

12 Q. And you mentioned that he was prescribing  
13 medications to you?

14 A. He did.

15 Q. Would you tell the jury the list of medications  
16 that he was prescribing to you at this time?

17 A. I had a prescription for Adderall. I had a  
18 prescription for Ambien, which is sleep medicine. I had  
19 a prescription for phentermine, which is for weight loss;  
20 for Xanax, which is an opioid; and clonazepam.

21 Q. Were these medications prescribed in the context of  
22 an ordinary office visit?

23 A. No.

24 Q. Describe how they came to be prescribed.

25 A. I would go to Jeff and tell him I was having some

1 trouble focusing, because I did do his personal business,  
2 along with the clinic. And I was having an issue  
3 focusing; that's where Adderall came in. Was overweight  
4 at the time; that's where the phentermine came in. I was  
5 stressed out; that's where the Ambien came in at night,  
6 try to help me sleep. And I'm an anxious person anyway;  
7 that's where the Xanax came in.

8 Q. Are you on all those medications today?

9 A. No. I'm on one.

10 Q. Okay. So you think you needed all that stuff?

11 A. I didn't.

12 Q. Are you a doctor?

13 A. No, I'm not.

14 Q. When you go to your doctor, does your doctor  
15 usually write you whatever you ask for?

16 A. No.

17 Q. And I just want to clarify one thing. I want to  
18 make sure that the record is clear. You had mentioned  
19 Xanax, and I think you had mentioned in the context of  
20 the opioids.

21 A. Yes, sir.

22 Q. Xanax is not an opioid, right?

23 A. No. It's a benzodiazepine.

24 Q. Used for -- to treat anxiety?

25 A. To treat anxiety.

1 Q. Did Jeff Young ever turn you down for anything you  
2 asked him for?

3 A. No.

4 Q. To your knowledge, did he ever turn down any of the  
5 employees for anything that they asked for?

6 A. Not to my knowledge.

7 Q. Did you ever observe any of the other employees at  
8 Preventagenix in an office visit with Jeff Young before  
9 they got a controlled drug prescription from him?

10 A. I did not.

11 Q. Let's go back to when you left Preventagenix. And  
12 I think you mentioned that that was in August of 2015?

13 A. 2015.

14 Q. From the earlier exchange we saw at  
15 Government's 1 -- at the time that you left, were you  
16 continuing to get calls from pharmacies of the kind you  
17 were describing in Government's 1?

18 A. Every day.

19 Q. Did you continue to raise those concerns to  
20 Mr. Young?

21 A. I did.

22 Q. What was his reaction?

23 A. That he was the -- he was the nurse practitioner,  
24 and he was the boss.

25 Q. Would -- were his -- was his reaction always the

1 same?

2 A. Usually. He knew what he was doing.

3 Q. Describe his temperament when you would talk about  
4 your concerns.

5 A. Repeat that.

6 Q. Describe his temperament. Like, was he calm; was  
7 he animated?

8 A. I believe he told me what I wanted to hear, and he  
9 would -- sometimes he would get a little agitated that I  
10 was asking him the -- you know, telling him that they  
11 were calling and asking me questions.

12 Q. Were your concerns having an impact on the way that  
13 he was doing business at Preventagenix?

14 A. I was concerned. I was concerned for him.

15 Q. Did you sharing those concerns change anything  
16 about what he was doing at Preventagenix?

17 A. No.

18 Q. All right. Ms. Goslee, I'm going to show you  
19 what's been marked for identification as  
20 Government's 223. Do you recognize that?

21 (A document was passed to the witness.)

22 A. I do.

23 **BY MR. PENNEBAKER:**

24 Q. And what is that, that single page?

25 A. It's a text message between Jeff and myself.

1 Q. Okay.

2 **MR. PENNEBAKER:** Your Honor, we would offer  
3 what's been marked for identification as Government's 223  
4 as Government's Exhibit 3.

5 **THE COURT:** All right. We'll go ahead and  
6 receive it as Exhibit 3.

7 **MR. PENNEBAKER:** Thank you, Your Honor.

8 And Ms. Silverberg, if you would, please publish  
9 it for the jury.

10 (The above-mentioned item was marked as  
11 Exhibit No. 3.)

12 **BY MR. PENNEBAKER:**

13 Q. So Ms. Goslee, who's in the blue, and who's in the  
14 gray?

15 A. I'm in the blue, and Jeff is in gray.

16 Q. Okay. So we'll do the same thing. I'll be Jeff,  
17 and you be you.

18 A. "We have to talk tomorrow. I've had two calls  
19 tonight about your prescription writing."

20 Q. "I'll call you now."

21 A. "My parents are here."

22 Q. "Okay. Just with 54 patients, not sure when we can  
23 talk."

24 A. "I said we will. You get a lunch."

25 Q. Okay. And do you remember about when this exchange

1 took place, because there's no date on this particular  
2 exhibit? Do you remember that?

3 A. I don't recall the exact date. I don't recall the  
4 exact date.

5 Q. Do you remember the month, like how -- how close it  
6 was to the time that you left?

7 A. I want to say June or -- June or July.

8 Q. Okay. So that's about a month before you left?

9 A. Yes.

10 Q. Five months after the last --

11 A. Yes.

12 Q. -- Government's 1?

13 A. Yes.

14 Q. And I want to show you --

15 **MR. PENNEBAKER:** And you can take that down,  
16 Ms. Silverberg. Thank you.

17 **BY MR. PENNEBAKER:**

18 Q. I want to show you what's been marked for  
19 identification as Government's 917.

20 (A document was passed to the witness.)

21 **BY MR. PENNEBAKER:**

22 Q. Do you recognize that?

23 A. I do.

24 **MR. PENNEBAKER:** And Your Honor, the government  
25 would offer what's been marked as 917 as Government's 4.

1           **THE COURT:** What is it?

2           **MR. PENNEBAKER:** It is a single page. Looks  
3 like an excerpt from Facebook --

4           **THE WITNESS:** Yes.

5           **MR. PENNEBAKER:** -- exchange.

6           **THE COURT:** Okay. We'll go ahead and receive  
7 it, document showing a Facebook entry, I guess it is.

8           (The above-mentioned item was marked as  
9 Exhibit No. 4.)

10          **MR. PENNEBAKER:** And Ms. Silverberg, if you  
11 would publish, please.

12          **BY MR. PENNEBAKER:**

13          Q. What does Jeff Young say there at the top?

14          A. "Go to CVS. Walgreens is the worst about  
15 profiling. I wrote the GD script. If they don't want to  
16 fill it, take your business elsewhere."

17          Q. Did Mr. Young ever -- did Mr. Young ever share with  
18 you why he thought these pharmacies weren't filling his  
19 prescriptions?

20          A. Repeat the question.

21          Q. Did Mr. Young ever share with you his thoughts  
22 about why Walgreens wouldn't fill his prescriptions?

23          A. His thoughts?

24          Q. Like, did he ever convey to you what he thought  
25 about why this was happening to him?



1 A. They felt he -- he thought that they were profiling  
2 him.

3 Q. Okay. And explain that a little bit more. What  
4 is -- what is profiling?

5 A. As walking -- working in a pharmacy, you see a lot  
6 of doctors' prescriptions come in every day. And when  
7 you see a lot coming from the same prescriber of these  
8 type drugs, it throws a flag.

9 Q. Okay. Do you think -- so did you understand that's  
10 what Mr. Young meant by "profiling," or did he mean  
11 something else?

12 A. I believe that's what he meant.

13 Q. Okay.

14 A. Walgreens -- Walgreens doesn't profile, but we have  
15 a "what we have to go by." Good faith dispensing is what  
16 it's called.

17 Q. Okay.

18 A. If you're on a opioid or benzodiazepine and muscle  
19 relaxer, it's like a -- they call it a cocktail  
20 combination.

21 Q. All right.

22 **MR. PENNEBAKER:** And you can take that down,  
23 Ms. Silverberg. Thank you.

24 **BY MR. PENNEBAKER:**

25 Q. You mentioned you shared your concerns with

1 Mr. Young about his prescribing of controlled substances,  
2 right?

3 A. Yes, sir.

4 Q. Did you ever share with him concerns of others that  
5 you'd heard?

6 In other words, were there others at Preventagenix  
7 who were coming to you with concerns similar to the ones  
8 that you had?

9 A. Yes.

10 **MR. FERGUSON:** I object to hearsay.

11 **THE COURT:** You have to lay a better foundation  
12 for that. At this point, it's sustained.

13 **MR. PENNEBAKER:** Okay. Thank you, Your Honor.

14 **BY MR. PENNEBAKER:**

15 Q. Did you talk to Mr. Young about the concerns of  
16 others in addition to your own concerns?

17 A. I did.

18 Q. What concerns of others did you share with him?

19 **MR. FERGUSON:** Still object to hearsay.

20 **MR. PENNEBAKER:** It's not offered for the truth,  
21 Your Honor. It's offered for the effect that it had on  
22 Mr. Young and for his -- for the purpose of demonstrating  
23 his knowledge.

24 **MR. FERGUSON:** I think the -- excuse me.

25 **THE COURT:** Go ahead.

1           **MR. FERGUSON:** The actual statements. If the  
2 actual statements come in, they're hearsay. If she says,  
3 just generally, I spoke to him and this is what he did, I  
4 don't have an objection to what that question is.

5           **THE COURT:** It's the -- what they're telling me,  
6 that it's not offered for the truth of it. Really, it's  
7 for the impact that it had on -- on Mr. Young and his  
8 response to that. So with that in mind, I'm going to go  
9 ahead and overrule the objection.

10           **MR. FERGUSON:** Obviously I'd ask for an  
11 explanation to the jury on the -- how to take that  
12 evidence.

13           **THE COURT:** All right. Normally, many times  
14 when people talk with others, it's hearsay. Sometimes we  
15 can allow that testimony in. It's not going to prove the  
16 truth of what those individuals said to the witness. But  
17 the witness communicated certain things to Mr. Young and  
18 apparently got some response back to him. That's the  
19 only reason that I'm allowing this, so keep that in mind.  
20 It's not for the truth of what the witness is about to  
21 testify to but the impact that it had on Mr. Young and  
22 possible response.

23           You may proceed.

24           **MR. PENNEBAKER:** Thank you, Your Honor.

25           **BY MR. PENNEBAKER:**

1 Q. So you -- you mentioned that you shared with him  
2 the concerns of others. Were some of these others that  
3 you told him about employees of Preventagenix?

4 A. Yes.

5 Q. And what happened to those employees after you  
6 shared those concerns?

7 What happened to those employees after you shared  
8 those concerns, in terms of their job at Preventagenix?

9 A. In February, I had to fire one, and then I fired  
10 one in August, right before I left.

11 Q. What was your -- did -- why did you fire them?

12 A. I was told to by Jeff.

13 One of the other employees also worked at Walgreens  
14 part-time. She was getting calls, too. So she was a  
15 receptionist, so she would come to my office, voice her  
16 concerns.

17 Q. And you would share those with Mr. Young?

18 A. Yes.

19 Q. And then ultimately you were asked by Mr. Young to  
20 fire that individual?

21 A. I was.

22 Q. During this time in late 2015, right around the  
23 time that you left, did Jeff Young blame others besides  
24 pharmacies for getting in the way of his prescribing?

25 A. Repeat that for me.

1 Q. Sure.

2 During this time, did Jeff Young blame others for  
3 some of the things -- some of the -- for example, for  
4 pharmacies cutting him off? Did he blame others, besides  
5 himself, for pharmacies cutting him off?

6 A. I misunderstand the question.

7 Blaming others?

8 Q. Blaming others. Like, did he -- did he accept that  
9 his prescribing was the reason that he was having  
10 pharmacies like Walgreens cut him off, or did he think  
11 that there was some other reason that pharmacies were  
12 cutting him off?

13 A. I believe that he knew that he was overwriting. I  
14 had discussed it with him multiple times. I was just  
15 there to help him. I was just there to help him keep his  
16 license, and I knew he was being watched.

17 Q. You said you knew he was being watched. Explain  
18 that.

19 A. I come from a family of law enforcement. The DEA  
20 was involved. The pharmacists would get -- well, the  
21 pharmacists at Walgreens would refuse to fill the  
22 prescription because they had concerns and would say they  
23 were turning him over to the DEA. That concerned me.

24 Q. Do you know what a witch-hunt is?

25 A. No.

1 Q. You've never heard the term "witch-hunt"?

2 A. I mean, I've heard of it, but I don't know what it  
3 is.

4 Q. Okay. Did you ever use -- hear the defendant use  
5 that phrase?

6 A. Witch-hunt? Not that I recall.

7 Q. Okay. Ms. Goslee, I'm going to hand you what's  
8 been marked for identification as Government's 222. And  
9 this is a seven-page text thread.

10 (A document was passed to the witness.)

11 **BY MR. PENNEBAKER:**

12 Q. Do you recognize that?

13 A. I need my readers.

14 I do. I recognize it.

15 Q. Thank you. I'll take it back from you and put it  
16 up on the screen after I offer it into evidence.

17 **MR. PENNEBAKER:** Your Honor, if I could offer  
18 this as Number 5 of the Government's evidence.

19 **THE COURT:** That will be Number 5, a text  
20 exchange.

21 **MR. PENNEBAKER:** A text exchange, seven pages.

22 (The above-mentioned item was marked as  
23 Exhibit No. 5.)

24 **MR. PENNEBAKER:** And Ms. Silverberg, if you  
25 would publish, please.

1 **BY MR. PENNEBAKER:**

2 Q. All right. If we could zoom in on that top one.

3 Ms. Goslee, is this a message that you wrote?

4 A. It is.

5 Q. What's the date?

6 A. August the 6th, 2015.

7 Q. What do you say in that text message?

8 A. "I'm going to say this once. If anyone has a  
9 problem with me or how I handle things at the clinic, you  
10 need to come to me. Apparently we have a snake in the  
11 group, and I want you to know who the pot stirrer is.  
12 You can text me individually or group."

13 Q. Do you recall what you would have meant by pot --  
14 do you recall what you meant by "pot stirrer"?

15 A. This was about a week before I left.

16 Q. Who's on -- who is this exchange with, by the way?

17 A. It's our whole -- it's our whole clinic, group  
18 chat.

19 Q. Okay.

20 A. It's the medical assistants, the lab, and the  
21 receptionist.

22 Q. Okay.

23 **MR. PENNEBAKER:** And Ms. Silverberg, if you  
24 would, please go to the second page of that exhibit, and  
25 zoom in on the top line.

1 **BY MR. PENNEBAKER:**

2 Q. Ms. Goslee, will you read that top line?

3 A. "Effective immediately, Heather Goslee is no longer  
4 office manager at Preventagenix. If anyone else had a  
5 problem with the company and the way its run, I except  
6 your resignations by tomorrow morning as well."

7 Q. Who wrote that text message?

8 A. Jeff.

9 Q. What -- what was he telling the employees of the  
10 clinic and you?

11 A. That I'd been fired.

12 **MR. PENNEBAKER:** Ms. Silverberg, if we could go  
13 to the next page, please, and zoom in on the top.

14 **BY MR. PENNEBAKER:**

15 Q. And would you please read that message?

16 A. "I'm serious as a fucking heart attack, and you  
17 know how serious I take heart health. I'm done fucking  
18 around. We have too much good to do. The kindergarten  
19 bullshit and people forgetting who is in charge is over."

20 Q. Okay.

21 **MR. PENNEBAKER:** And Ms. Silverberg, if you  
22 could go to the next message, please.

23 **BY MR. PENNEBAKER:**

24 Q. And read that, please, Ms. Goslee.

25 A. "I want a meeting with everyone in my office at



1 7:45 a.m., except Heather."

2 Q. And this is still the defendant talking?

3 A. Yes.

4 Q. By the way, the date on these last couple of  
5 exchanges we've been reading, what's that date?

6 A. August the 9th, 2015.

7 Q. Okay.

8 **MR. PENNEBAKER:** And Ms. Silverberg, if you  
9 could go to Page 4, please, and zoom in on the first one.

10 **BY MR. PENNEBAKER:**

11 Q. So he's just said "except Heather," and then you  
12 reply?

13 A. "Because you can't face me?"

14 **MR. PENNEBAKER:** And then next message, please,  
15 Ms. Silverberg.

16 **BY MR. PENNEBAKER:**

17 Q. Go ahead, Ms. Goslee.

18 A. "I had enough of you over the telephone. Just no.  
19 Threatening to have your daddy come up and whip my ass."

20 Q. I think you mentioned this already, but what line  
21 of work is your father in?

22 A. He was Tennessee Highway Patrol.

23 Q. Okay. And why do you think he would've been -- why  
24 were you telling Jeff that your daddy was going to whip  
25 his ass?

1 A. Well, because he was cussing me out over the phone.

2 Q. Any other reason?

3 A. No. I'm a daddy's girl, and that just came out of  
4 my mouth.

5 Q. Okay.

6 **MR. PENNEBAKER:** If we could go to Page 5,  
7 please, Ms. Silverberg. Zoom in on the first one. Thank  
8 you.

9 **BY MR. PENNEBAKER:**

10 Q. Go ahead and read, Ms. Goslee.

11 A. "Just now. I have enough. I've seen enough. I  
12 have heard enough. I have never been spoken to by  
13 someone that works for me in the manner I was just talked  
14 to."

15 Q. Okay.

16 **MR. PENNEBAKER:** And Ms. Silverberg, if you  
17 could go to the next one.

18 A. I said: "Neither have I."

19 **MR. PENNEBAKER:** And if we could go to Page 6,  
20 please, Ms. Silverberg.

21 **BY MR. PENNEBAKER:**

22 Q. Mr. Young responds?

23 A. "I'm the goddamn boss."

24 **MR. PENNEBAKER:** And if we could go to the next  
25 message, please, Ms. Silverberg.

1 A. I said: "I know you are. I just want you to  
2 listen to me."

3 MR. PENNEBAKER: And if we can pull that down,  
4 please, Ms. Silverberg.

5 BY MR. PENNEBAKER:

6 Q. Ms. Goslee, I'll just state for the record that you  
7 are -- you seem upset. And if -- I'm sorry to have you  
8 say yes when you're nodding but just for the record.

9 A. It just brings back a lot of memories.

10 Q. It brings back a lot of memories?

11 A. (Nodding head up and down.)

12 Q. Why do those memories make you upset?

13 A. Like I said in the beginning, when we first opened  
14 this clinic, it could have been huge. It could have been  
15 huge for the town, the heart and the stroke prevention.  
16 Jeff is very smart. And then towards the end, I just saw  
17 it spiraling down, and it hurt me. And it hurts to know  
18 that this is where we're at.

19 MR. PENNEBAKER: Thank you, Your Honor. Pass  
20 the witness.

21 THE COURT: Thank you.

22 And Mr. Ferguson, is there any cross?

23 MR. FERGUSON: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. FERGUSON:

1 Q. Good morning.

2 A. Good morning.

3 Q. It hurts because you like Jeff?

4 A. I did.

5 Q. How long have you known him?

6 A. I met Jeff in May of 2014.

7 Q. And how did you come to meet him? At -- is it with  
8 Briley's?

9 A. It was a clinic out south. He was filling in for a  
10 nurse practitioner.

11 Q. And that nurse practitioner wasn't working right  
12 then because of what reason?

13 A. He was sent to rehab.

14 Q. For doing drugs?

15 A. Yes.

16 Q. And Jeff was brought in to cover that clinic, and  
17 that's where you met him?

18 A. He was.

19 Q. And had you heard of or did you know of Jeff Young  
20 before then?

21 A. I did not.

22 Q. You got to know him?

23 A. I did.

24 Q. And you found him to be a very competent  
25 practitioner?

1 A. Yes.

2 Q. Fair to say he cared about his patients?

3 A. He did.

4 Q. And he was doing good work?

5 A. He was.

6 Q. Good enough work that he had a plan to open his own  
7 clinic?

8 A. He did.

9 Q. And he told you about it?

10 A. Yes, sir.

11 Q. And told you what his idea was for this clinic?

12 A. Yes, sir.

13 Q. And what was that idea?

14 A. To open a clinic, focusing in the heart and stroke  
15 prevention. He did a lot of -- like I said, he did -- he  
16 went a lot and spoke about the heart. He's very smart.

17 Q. And he had a lot of background in cardiology,  
18 cardiac nurse practitioner work?

19 A. He did.

20 Q. Were you familiar with him setting up Skyline  
21 clinic, one of the cardiology clinics in Jackson? Is  
22 that something you were aware of?

23 A. No.

24 Q. Okay. You were under the impression the idea was  
25 to go open up a clinic and do family medicine and

1 cardiovascular health?

2 A. Yes, sir.

3 Q. With an idea -- with the name Preventagenix was  
4 because it was preventive medicine, trying to help people  
5 stay well, not only take care of people who were sick?

6 A. Correct.

7 Q. And you liked that idea?

8 A. I did.

9 Q. Why?

10 A. It just interested me.

11 Q. You left your job that you had to go work for Jeff  
12 Young?

13 A. Yes. I kept any pharmacy license, and I did leave  
14 my job.

15 Q. You had a -- you had a job that was secure; it was  
16 up and running, been running for a while, and you left to  
17 go start out on this new venture with Jeff?

18 A. I did.

19 Q. It was risky?

20 A. It was.

21 Q. But you were willing to take a risk with him?

22 A. I did.

23 Q. Because you believed in him?

24 A. I did.

25 Q. And the person Jeff was in 2014 when you started

1 this, you felt that person could make this work?

2 A. In 2014, I did.

3 Q. End of 2014, 2015, something happened that started  
4 to change Jeff; is that correct?

5 A. Yes, sir.

6 Q. What happened?

7 A. We started -- well, he wanted to start opening more  
8 clinics. We were trying to open one in another small  
9 town, and we opened one downtown Jackson. And in my  
10 opinion, I just thought it was going too, too fast.

11 Q. He was expanding way too fast?

12 A. In my opinion, yes.

13 Q. Were you aware he was also going through a very  
14 contentious divorce at that time?

15 A. I was.

16 Q. And that divorce was, would you say, consuming a  
17 lot of his attention?

18 A. It did.

19 Q. And did -- really kind of put the -- I don't know  
20 what word to use, especially in a courtroom. Kind of put  
21 the zap on it. didn't it?

22 A. I'm sorry; repeat.

23 Q. Kind of -- kind of hit him up here in the head a  
24 little bit, didn't it?

25 A. Yeah. She was a lot.

1 Q. They were a lot; would that be fair to say?

2 A. They.

3 Q. Jeff and Dawn, his ex-wife or soon to be ex-wife,  
4 they were going back and forth with each other?

5 A. Yes.

6 Q. And it got real ugly?

7 A. Yes.

8 Q. Would you say he became distracted based on the  
9 time and effort he was putting into fighting with his  
10 ex-wife?

11 A. Yes.

12 Q. And it was becoming consuming of who he was?

13 A. Yes.

14 Q. And during that time period, you began to see  
15 changes within Jeff?

16 A. I saw changes.

17 Q. He began to take on this persona of the Rock Doc.  
18 Was that new at that time? Was that something you had  
19 seen up to this point?

20 A. That was at the very end.

21 Q. Okay. So you were there when he started to take on  
22 this persona of the Rock Doc?

23 A. Like I said, I left in August. It was in the end.

24 Q. Tell me what you mean by "the end." I'm not --

25 A. August.



1 Q. Okay. So --

2 A. When I left.

3 Q. So when you left, that's when it first kind of came  
4 to a head?

5 A. Yes.

6 Q. Okay.

7 A. Mid -- mid summer.

8 Q. Concerned you?

9 A. It did.

10 Q. Not really necessarily appropriate for a nurse  
11 practitioner to be running around like -- posting on  
12 social media, I'm the Rock Doc, and this is --

13 A. I tried to -- I tried to steer him away from social  
14 media, but Jeff's going to do what Jeff wants to do.

15 Q. He likes to be -- at that point, especially, he was  
16 liking the attention?

17 A. Yes, sir.

18 Q. Do you think that that, to some extent, was also a  
19 way to get back at his ex-wife to prove that he hadn't  
20 lost -- that he was -- he was popular, and people -- and  
21 women, especially, loved him? You don't see how that was  
22 targeted towards his wife?

23 A. I don't see if it was targeted towards her. He  
24 tried to forget about her, but --

25 Q. Or maybe as a response to the loss he was feeling?

1 A. Could've been.

2 Q. It was your opinion -- I think you said that he was  
3 overprescribing controlled substances?

4 A. Yes, sir.

5 Q. You would address that with him, and he would --  
6 air quotes -- for the record, air quotes -- he would  
7 remind you who the practitioner was?

8 A. Correct.

9 Q. But you're a pharmacy tech?

10 A. Yes, sir.

11 Q. You have training in this?

12 A. Since 1995.

13 Q. And you were trying to help him?

14 A. I was.

15 Q. And his -- every time his -- not every time, but  
16 the majority of the time, his response was, I know what  
17 I'm doing; I'm the whatever. What did he call -- he  
18 didn't call himself a doctor. What -- I'm the --

19 A. Nurse practitioner.

20 Q. I'm the nurse practitioner; I'm the one with the  
21 training?

22 A. Correct.

23 Q. Okay. And he does have training, right? That's --  
24 that's additional training on top of being a nurse. He's  
25 a nurse practitioner, and he's gone and gotten his

1 master's?

2 A. Correct.

3 Q. And under the rules of Tennessee, he's able to  
4 prescribe medications?

5 A. He is.

6 Q. Including these C2s, these Schedule II drugs?

7 A. He is.

8 Q. Do -- was the first clinic that opened, was it the  
9 downtown clinic, or was is it the -- is it Trezevant?

10 A. Trezevant, but it -- it wasn't there very long.

11 Q. Okay. And that was kind of his plan, to, like,  
12 just start expanding as quickly as he could into  
13 different locations?

14 A. Correct.

15 Q. Do you think he was taking care of the Jackson  
16 facility well enough to be expanding at this time?

17 A. I thought we had it good at the North Jackson  
18 clinic. We were seeing a lot of patients. I just  
19 thought it was a little too soon to start spreading out  
20 that much.

21 Q. Think it was going to spread him too thin?

22 A. I believe so.

23 Q. Draw his attention away from what he should have  
24 been doing?

25 A. Yes.

1 Q. Taking care of the patients at the Jackson  
2 location?

3 A. Yes, for heart and health, heart and stroke.

4 Q. The part that you went over with him to help set  
5 up?

6 A. Yes.

7 Q. During the course of your stay down there, I think  
8 you testified that his patient count began to grow at a  
9 tremendous rate?

10 A. Towards the middle and end of the summer, yes, sir.

11 Q. And as this patient numbers grew, he was -- then  
12 started to take less and less time with each patient?

13 A. My office, like I had said earlier, was on the  
14 other side. I didn't see the patients, unless I happened  
15 to walk over there. But, you know, I knew. I had a  
16 chart of who would come in each day, so the patient load  
17 did get a little higher.

18 Q. If he's seeing 55 patients a day, you know he's not  
19 taking the same amount of time as if it was 15?

20 A. No.

21 Q. When the numbers started to go up -- kind of a  
22 weird question. And, again, you may not know because of  
23 where you were. You said that the clientele changed.  
24 They became younger. I think you used the word "trashy,"  
25 if I remember correctly -- I may have written it down

1 wrong -- and smelled bad.

2 When the -- when the clientele started to change  
3 from the older clientele to the younger, trashier,  
4 smelly, was -- did the patients come first or the  
5 prescribing that made you uncomfortable happen first?

6 A. The prescribing was what my number one concern was.

7 Q. But you weren't seeing how the patient load changed  
8 in the -- in the office or in the -- what do you call  
9 that side?

10 You're -- you're in the office, and he's in the  
11 clinical side?

12 A. Correct, yes.

13 Q. You weren't watching the clinical side change; you  
14 just saw the numbers change?

15 A. I saw the numbers change. I would have the front  
16 office staff -- they would come and talk to me.

17 Q. Had you had any dealings with Ms. -- Nurse  
18 Practitioner Petway? P-E -- I think it's P-E-T-W-A-Y  
19 somewhere in there.

20 A. Yes. Jeff hired her to run the downtown clinic in  
21 Jackson.

22 Q. Were you aware of what her clientele was like?

23 A. Yes.

24 Q. Was it more younger and people getting  
25 prescriptions for pain medications?

1 A. I'm not aware. I know that she worked at a down --  
2 at a clinic in -- in East Jackson, is all I really knew  
3 about her.

4 Q. She was working at the downtown satellite office?

5 A. Yes, sir.

6 Q. When she left, do you know if her patients are the  
7 ones that came into the -- I think it was sometimes  
8 referred to as the mother ship, the main Preventagenix  
9 clinic, the day --

10 A. Her patients never came, to my knowledge, to the  
11 Jackson -- the North Jackson.

12 Q. When she was fired, let go, or quit, did those  
13 patients then continue to stay with Mr. --

14 A. I wasn't there, so I don't know.

15 Q. Thank you. I didn't -- that's good timing. I  
16 appreciate that.

17 If you -- you did the billing, would you have known  
18 how many prescriptions Petway was writing?

19 A. I don't know much about Petway. Petway was hired a  
20 month before I left.

21 Q. Okay. Jeff prescribed you medications?

22 A. He did.

23 Q. You would -- as somebody that's in the healthcare  
24 profession, you would tell him what you thought you  
25 needed and what the reason for it was, and if he agreed

1 to it -- sounds like every time -- he would write you  
2 prescriptions for it?

3 A. Now, I would tell him my issues, if I was having  
4 trouble sleeping or if I was having trouble focusing, and  
5 I would ask him to recommend something. He would write  
6 it.

7 Q. And that was based on your description of your  
8 symptoms and --

9 A. Correct.

10 Q. And he was prescribing you medication that was  
11 related to the symptoms that you relayed to him?

12 A. Yes. He would come in my office; we would talk.  
13 This is when we would talk, after clinic.

14 Q. But currently, you're now only on one of those  
15 medications?

16 A. Yes.

17 Q. We're talking a difference of seven years has gone  
18 by?

19 A. Eight.

20 Q. Eight years has gone by. You no longer need those  
21 medications, do you?

22 A. I have to have one.

23 Q. Fair enough. You still have to have one of them,  
24 don't you?

25 A. I do.

1 Q. And that was one of the drugs Mr. Young was  
2 prescribing to you?

3 A. He's not the original prescriber, but yes, he did  
4 prescribe it to me.

5 Q. What we call continuity of care. You came in,  
6 already had somebody prescribing it to you. He continued  
7 to --

8 A. He refilled it.

9 Q. And you're still getting refills?

10 A. I still take it.

11 Q. You've referred your family to Mr. Young?

12 A. I did.

13 Q. And they saw Mr. Young and were treated by  
14 Mr. Young?

15 A. They were.

16 Q. And they were treated, as far as you're concerned,  
17 appropriately and well?

18 A. At the time, they were.

19 Q. When you started as the office manager, you had  
20 never worked as an office manager in a clinic before?

21 A. Only like two months at the South Jackson location.

22 Q. One of the questions in this case may came up. It  
23 will be the percentage of files that were reviewed by the  
24 preceptor or the -- the doctor who oversees nurse  
25 practitioners.



1 A. Yeah, I -- like I said, I wasn't really -- I didn't  
2 know much about being an office manager, so I don't know  
3 that -- how many that they had to review. So I -- I did  
4 not know the percentage that they had to review, if it  
5 was a controlled substance written.

6 Q. To be -- not putting words in your mouth. You tell  
7 me if I'm wrong.

8 To be more specific, you didn't know, at the time  
9 when you started, that any chart that prescribed  
10 Class 2 -- or opioids, narcotics, 100 percent of those  
11 files had to be reviewed by the preceptor?

12 A. I did not know that.

13 Q. You thought it was just the general 20 percent have  
14 to be reviewed?

15 A. Yes, sir.

16 Q. Within the practice, were some patients fired for  
17 things such -- I saw you glance. Me, too.

18 If patients were being prescribed Schedule II  
19 narcotics, would there be drug screens?

20 A. We did do toxicologies. Yes, drug screens.

21 Q. And if -- there are certain ways in which those  
22 drug screens are used to try to help a provider determine  
23 whether or not that patient is abusing or misusing those  
24 drugs; is that correct? That's the --

25 A. Repeat that for me.

1 Q. What's the purpose of the drug screen?

2 A. To make sure that they're taking the medicine that  
3 they've been prescribed. If it's not in their system, we  
4 know that they're not using that medication for  
5 themselves.

6 Q. That's where you get into the -- you become  
7 suspicious of what's called diversion; is that right?  
8 That they're not taking it; they're getting the  
9 prescription; they're selling it?

10 A. Could be.

11 Q. And they come back in, and they don't have it in  
12 their system --

13 A. Right.

14 Q. -- you want to start asking them questions why they  
15 don't have it in the system?

16 A. Correct.

17 Q. Now, they may be taking it wrong, like doubling up  
18 their dose, been out for a week, or they could be selling  
19 their pills out on the street; is that correct?

20 A. Correct.

21 Q. So also if they come in and they, like, do a drug  
22 screen and they're all hot for cocaine and LSD and  
23 benzodiazepines that haven't been prescribed and don't  
24 show up on any of the prescribing records, that's a red  
25 flag?

1 A. It is a red flag.

2 Q. Jeff had a little unusual opinion of marijuana when  
3 it came to drug screens, didn't he?

4 A. He did.

5 Q. What was Jeff's opinion of marijuana?

6 A. He wasn't concerned with marijuana.

7 Q. He was in favor of marijuana being used as  
8 medicine, medicinal marijuana, like Mississippi and  
9 Arkansas have?

10 A. He wanted it passed, yes.

11 Q. He felt, in his professional opinion, that  
12 marijuana should be scheduled as a prescription drug that  
13 practitioners should be able to prescribe to patients?

14 A. I'm not sure about that. I just know he like  
15 marijuana.

16 Q. He -- if somebody tested positive for marijuana in  
17 a drug screen, would he what's called fire them from the  
18 clinic?

19 A. No, sir.

20 Q. If they tested positive for hard drugs -- LSD,  
21 cocaine -- were those patients fired?

22 A. They should have been.

23 Q. Should have been.

24 Okay. And sometimes the office would do that?

25 A. Yes. I wasn't in charge of that.

1 Q. Okay.

2 A. Screen is bright.

3 Q. It's really bright.

4 Let's see. Just a few more, if I may.

5 Where do you live?

6 You say that you tried to help Jeff out?

7 A. I believe I did.

8 Q. But he didn't listen to you, did he?

9 A. He didn't.

10 Q. He kept telling you that he was -- that he was  
11 the -- he was the -- he was the medical person?

12 A. Correct.

13 Q. And he was prescribing the medications he thought  
14 was appropriate?

15 A. Correct.

16 Q. You disagreed with him?

17 A. I did.

18 Q. He had a different opinion?

19 A. Yes.

20 Q. The reason why you were tearing up there at the end  
21 is because you hate where we are today?

22 A. Like I said, this was eight years ago. We had fun  
23 at the clinic in the beginning. It was -- it was -- he  
24 could have been a great clinic. And --

25 Q. Great clinician?

1 A. In the beginning, yes.

2 I don't know what happened after I left. I was cut  
3 off from all of that, so a lot of this is new to me, too.

4 **MR. FERGUSON:** I appreciate you being here.  
5 Thank you for your testimony.

6 **THE WITNESS:** Thank you.

7 **THE COURT:** Thank you, Mr. Ferguson.

8 **MR. FERGUSON:** Thank you, Your Honor.

9 **THE COURT:** Mr. Pennebaker, any redirect?

10 **MR. PENNEBAKER:** Very briefly, Judge.

11 **THE COURT:** Go ahead.

12 **DIRECT EXAMINATION**

13 **BY MR. PENNEBAKER:**

14 Q. Ms. Goslee?

15 A. Yes, sir.

16 Q. You said that you were -- after you left, you were  
17 cut off?

18 A. I received letters, cease and desist, not to  
19 contact the office staff. They didn't want to hear from  
20 me.

21 Q. So you weren't hearing from -- directly from people  
22 at the clinic anymore or at least not from the defendant?

23 A. No. I received a letter: Do not communicate.

24 I did receive a couple of text messages stating  
25 that his office staff did not want to have anything to do

1 with me, speak to me, and my husband had to get involved  
2 and tell him to stop.

3 Q. Ms. Goslee, I'm going to hand you what's been  
4 marked for identification as Government's 224.

5 A. Yes.

6 Q. Do you recognize that?

7 (A document was passed to the witness.)

8 A. I do.

9 MR. PENNEBAKER: Your Honor, the government  
10 offers --

11 THE COURT: What is it?

12 MR. PENNEBAKER: -- 6, which is a --

13 THE WITNESS: E-mail.

14 MR. PENNEBAKER: An e-mail.

15 THE COURT: Okay. Just have the witness  
16 identify what she's looking at so that I can write down  
17 what the exhibit is.

18 MR. PENNEBAKER: Will do, Judge. Thank you.

19 So the government offers Government 6, which is  
20 an e-mail from a pharmacy manager to Richard Denton.

21 MR. FERGUSON: I'm going to object to this one.  
22 Can we sidebar real quick?

23 THE COURT: Sure.

24 (Bench conference on the record, with

25 Mr. Ferguson and Mr. Pennebaker only, out of the hearing

1 of the jury.)

2 **MR. FERGUSON:** It's -- if I'm understanding  
3 correctly -- and tell me -- obviously tell me. I hate  
4 being wrong, so I like to be corrected as fast --

5 **MR. PENNEBAKER:** No.

6 **MR. FERGUSON:** It's not from either Jeff or  
7 Ms. Goslee, and so I don't think either one of them can  
8 authenticate this. But the real question is, I think  
9 this is outside the scope of my cross also. So I'm  
10 just -- I'm not -- I expect this to come in. I  
11 just . . .

12 **THE COURT:** So the objection is beyond the scope  
13 of purpose of redirect?

14 **MR. PENNEBAKER:** So the -- she just said that  
15 she hadn't heard anything afterwards. So the testimony  
16 got into what she heard about the clinic after she left,  
17 and so this is when she was working at Walgreens after  
18 she left Preventagenix. This was an --

19 **MR. FERGUSON:** This is -- this is when she was  
20 working at Walgreens?

21 **MS. PAYERLE:** Correct.

22 **MR. FERGUSON:** And she got this through --

23 **MR. PENNEBAKER:** Yes.

24 **MR. FERGUSON:** -- her employment?

25 **MR. PENNEBAKER:** Yes.

1           **MR. FERGUSON:** Okay. So she has personal  
2 knowledge?

3           **MR. PENNEBAKER:** She has personal knowledge of  
4 it.

5           **MR. FERGUSON:** I still think it's outside the  
6 scope, but that makes me feel a little bit better about  
7 why it's attempting to come in from this witness.

8           **THE COURT:** How does it relate to the cross?

9           **MR. PENNEBAKER:** Just because at the end of her  
10 testimony, she said that after she left, she didn't hear  
11 anything further. And so this was just to say you did  
12 hear some things further, which were, when you worked at  
13 Walgreens, they were still concerned about his  
14 prescribing even during the time after you left.

15           **THE COURT:** I'll overrule the objection --

16           **MR. FERGUSON:** Thank you, Your Honor.

17           **THE COURT:** -- based on the final question.

18           **MR. PENNEBAKER:** Thank you, Your Honor.

19           (Bench conference concludes, and the proceedings  
20 continue as follows:)

21           **MR. PENNEBAKER:** So the government offers  
22 Government's Exhibit 6, Your Honor.

23           **THE COURT:** We'll go ahead and receive it,  
24 e-mail that, I think, the witness received after the time  
25 when she left the clinic.



1                   **MR. PENNEBAKER:** Yes, Your Honor.

2                   Ms. Silverberg, if we could publish.

3                   (The above-mentioned item was marked as  
4 Exhibit No. 6.)

5                   **BY MR. PENNEBAKER:**

6                   Q.     Ms. Goslee?

7                   A.     Yes, sir.

8                   Q.     What are we looking at here?

9                   A.     This is an e-mail from a pharmacy manager to our  
10 district manager.

11                  Q.     Okay. And this is something -- where did you go  
12 after you left Preventagenix?

13                  A.     I went back to Walgreens.

14                  Q.     And is this something that you received as an  
15 employee of Walgreens after you left Preventagenix?

16                  A.     Yes, sir.

17                  Q.     Will you read the body of the e-mail down there,  
18 starting at "hey"?

19                  A.     "You might want to send out a blanket e-mail to all  
20 area pharmacies. The office of Preventagenix no longer  
21 has a supervising physician at this time. This includes  
22 Jeff Young, Nurse Practitioner, and Britney Petway, Nurse  
23 Practitioner. I have spoke with that office and both  
24 doctors that they told me were precepting, and both  
25 doctors say they are no longer supervising those nurse

1 practitioners. So at this time, all prescriptions being  
2 wrote are invalid, according to state and federal law."

3 Q. Okay. And you can stop there.

4 How long did you work at Walgreens after this?

5 A. I'm still at Walgreens.

6 Q. And so did you continue -- did -- through your  
7 employment with Walgreens, did you continue to get  
8 information about concerns about Preventagenix until it  
9 closed in 2017?

10 A. At one point, we were -- we could not fill a  
11 controlled substance at all from Jeff.

12 Q. Now, Mr. Ferguson asked you a couple of questions I  
13 want to follow up on very shortly.

14 He asked you about your family receiving treatment  
15 from Mr. Young?

16 A. Yes, sir.

17 Q. In the beginning, you were happy to have them see  
18 him?

19 A. Absolutely.

20 Q. What about at the end?

21 A. Not so much.

22 Q. I think you were asked about drug screens?

23 A. Yes, sir.

24 Q. And marijuana?

25 A. Yes, sir.

1 Q. Do -- did Preventagenix screen patients or  
2 administer drug screens to patients that were not  
3 receiving controlled substances?

4 A. They should have been.

5 Q. I'm sorry. That was a terrible question.

6 A. Okay.

7 Q. Let me try to ask it one more time.

8 Why would a patient get a drug screen at  
9 Preventagenix?

10 A. Your main "look at" is to make sure they're not  
11 doctor shopping.

12 Q. And so is it fair to say that it would be the  
13 patients on controlled substances that would get those,  
14 or would all patients get them?

15 A. Well, definitely patients on controlled substances.

16 Q. Okay. Would patients getting blood pressure  
17 medication get a urine drug screen, if nothing --

18 A. No.

19 Q. Okay. So --

20 A. Now, if they were prescribed a benzo or a opioid,  
21 they would have a drug screen.

22 Q. Okay. And you were asked about Mr. Young's views  
23 on marijuana?

24 A. Yes.

25 Q. Would that come up in the context of people testing

1 positive for marijuana on drug screens?

2 A. Yes.

3 Q. But if they were getting drug screens, they were  
4 getting controlled pharmaceutical drugs also, right?

5 A. Yes.

6 Q. So is it fair to say Mr. Young wasn't treating  
7 with -- people with marijuana as an alternative  
8 medication to these --

9 A. No.

10 Q. -- powerful narcotic medications?

11 A. No.

12 Q. It was just, I'm okay if you do this, too?

13 A. Marijuana was -- he wouldn't flag the -- for us to  
14 fire them, he wouldn't flag it if it was marijuana.

15 **MR. PENNEBAKER:** No further questions, Judge.

16 **THE COURT:** Any recross based on that?

17 **MR. FERGUSON:** Just one question.

18 **THE COURT:** All right.

19 **CROSS-EXAMINATION**

20 **BY MR. FERGUSON:**

21 Q. I'm going to show you -- well, I'm going to try to  
22 show you. But tell you what. Let me just hand it to  
23 you, if I may.

24 A. Yes, sir.

25 Q. Exhibit 6, the e-mail that you just read that came

1 in to Walgreens.

2 A. Yes, sir.

3 Q. One of the things that -- the only thing that  
4 wasn't read, the government didn't ask you about, is the  
5 last sentence. Says that they've contacted the clinic,  
6 and the clinic's going to get a new doctor. And that's  
7 in relation to the fact that he had to have a physician  
8 preceptor?

9 A. This says: "The office is supposed to be calling  
10 me with a new supervising physician."

11 Q. Okay. And so once that new supervising physician  
12 was obtained, Walgreens was going to continue to write  
13 prescriptions for these clinics?

14 A. For several months, we did not fill -- fill  
15 controlled prescriptions for Jeff.

16 Q. But then continued?

17 A. When we -- when we got the say-so.

18 Q. And because he had received the new preceptor?

19 A. I don't think it was because --

20 Q. You know why?

21 A. I don't know why, but --

22 Q. They --

23 A. We were told do not fill controlled substances, and  
24 we --

25 Q. And you stopped?

1 A. We have to listen to *higher, uh-huh, yeah.*

2 Q. And then you started again?

3 A. At some point.

4 Q. All right. Thank you.

5 **THE COURT:** Okay. Ms. Goslee, thank you very  
6 much. You can step down.

7 **THE WITNESS:** Thank you, sir.

8 **THE COURT:** You're excused.

9 **MR. PENNEBAKER:** And Your Honor, just a small  
10 housekeeping matter. If Mr. Ferguson is unopposed to  
11 releasing --

12 **THE COURT:** I'm sorry?

13 **MR. PENNEBAKER:** If Mr. Ferguson is unopposed to  
14 releasing Ms. Goslee so that she can stay in the  
15 courtroom and listen to some of the testimony, I'd just  
16 ask that we can be able to do that.

17 **MR. FERGUSON:** No objection.

18 **THE COURT:** Did you subpoena her?

19 **MR. FERGUSON:** No, I didn't, but I was --

20 **THE COURT:** Okay.

21 **MR. FERGUSON:** And I'm -- she's answered  
22 everything I need, so --

23 **THE COURT:** Thank you.

24 You're excused.

25 **MR. PENNEBAKER:** Thank you, Judge.

1 (Witness excused)

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1           **THE COURT:** How is everyone doing? Anybody need  
2 a break right now? Everybody good to go? Okay.

3           If you would, please call your next witness.

4           **MS. PAYERLE:** Thank you, Your Honor. The  
5 government calls Kristie Gutgsell to the stand.

6           **THE COURT:** Step around here to the front.

7           **THE WITNESS:** Yes, sir.

8           **THE COURT:** Okay. You're good right there. And  
9 if you would, please raise your right hand.

10           (The witness was duly sworn.)

11           **THE WITNESS:** Yes, sir.

12           **THE COURT:** Be seated here, please.

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1 KRISTIE GUTGSELL,  
2 having been first duly sworn, was examined and testified  
3 as follows:

4 DIRECT EXAMINATION

5 BY MS. PAYERLE:

6 Q. Good morning, Ms. Gutgsell.

7 A. Good morning.

8 Q. Would you please just introduce yourself to the  
9 jury, your name and what city you live in.

10 A. Kristie Gutgsell. And I live in Henderson,  
11 Tennessee.

12 Q. And --

13 THE COURT: Excuse me. Could you spell that  
14 last name?

15 THE WITNESS: Sure. It's G-U-T-G-S-E-L-L.

16 THE COURT: Thank you.

17 MS. PAYERLE: I understand that T is silent.  
18 Sorry.

19 THE WITNESS: That's right.

20 BY MS. PAYERLE:

21 Q. Okay. Now, Ms. Gutgsell, do you know the defendant  
22 Jeffrey Young?

23 A. I do.

24 Q. Okay. And could you identify him somewhere in the  
25 courtroom today based on where he's sitting and something

1 he's wearing?

2 A. He's sitting right there, and he has on glasses and  
3 a suit.

4 Q. Okay.

5 **MS. PAYERLE:** May the record reflect that the  
6 witness has identified the defendant in the courtroom?

7 **THE COURT:** The record will reflect the witness  
8 has pointed out and identified the defendant.

9 **BY MS. PAYERLE:**

10 Q. How do you know Mr. Young?

11 A. I worked for him as his office manager.

12 Q. And where was that?

13 A. In Jackson, Tennessee.

14 Q. Is that Madison County?

15 A. Yes, ma'am.

16 Q. What -- what was Preventagenix?

17 A. It was a medical clinic.

18 Q. Okay.

19 **MS. PAYERLE:** I'm going to show the witness a  
20 series of photographs. I believe it's 12 pages. If I  
21 may approach, Your Honor.

22 **THE COURT:** Go ahead.

23 **MR. PENNEBAKER:** That's been premarked  
24 Government's 601.

25 **BY MS. PAYERLE:**

1 Q. And ask you to page through them and see if these  
2 are photographs of various locations at Preventagenix.

3 (A document was passed to the witness.)

4 **BY MS. PAYERLE:**

5 Q. Okay.

6 A. Yes, ma'am, that's the clinic.

7 Q. Thank you very much.

8 A. Yes, ma'am.

9 **MR. PENNEBAKER:** Your Honor, I'd like to  
10 introduce into evidence the 12 pages that are located at  
11 Government's 601, marked Page 8 through 19. Actually be  
12 11 pages. My math is wrong.

13 **THE COURT:** Eleven, I'm assuming, pages with  
14 photos of the clinic; is that correct?

15 **MS. PAYERLE:** Yes, Your Honor.

16 **THE COURT:** We'll go ahead and receive. Be  
17 collective Exhibit Number 7.

18 (The above-mentioned item was marked as  
19 Exhibit No. 7.)

20 **BY MS. PAYERLE:**

21 Q. And let's just take a look at the page that we  
22 internally marked as 11 and publish to the jury. Thank  
23 you.

24 And what are we looking at here? Is that the front  
25 of Preventagenix?

1 A. It is. It's the outside of the front of the  
2 clinic.

3 Q. Okay. We can take that down.

4 How long, Ms. Gutgsell, were you the office manager  
5 there?

6 A. I started in August of 2015, and I quit in January  
7 of 2017.

8 Q. And did you replace somebody as the office manager?

9 A. I did.

10 Q. Who was that?

11 A. Heather Goslee.

12 Q. As the office manager, what were your jobs?  
13 Describe generally.

14 A. I was in charge of paying different bills for the  
15 clinic, making sure that the schedule -- excuse me.

16 Q. That's okay. Take your time.

17 A. That the schedule was ready for the day, that the  
18 employees were ready for the day, that Jeff was ready to  
19 work for the day.

20 Q. And I just saw you hesitate a moment. Are you --  
21 are you a little nervous?

22 A. Just a little bit, yeah.

23 Q. Why is that?

24 A. It's -- this has been a very difficult time.

25 Q. Okay. You said you were in charge of the schedule

1 for the day.

2 At this time, I'd like to show you a document that  
3 the government has marked Exhibit 703.

4 **MS. PAYERLE:** I just need to find it in my stack  
5 here, Your Honor. I apologize.

6 I'm going to seek assistance of those more  
7 organized than I.

8 **BY MS. PAYERLE:**

9 Q. Show you 703. It's a five-page document.

10 Is this a schedule, an example of a schedule for  
11 the day for patients that you just talked about?

12 (A document was passed to the witness.)

13 A. Yes, ma'am.

14 **MS. PAYERLE:** All right. The government moves  
15 to admit.

16 **THE COURT:** We'll receive it. Exhibit  
17 Number 8.

18 (The above-mentioned item was marked as  
19 Exhibit No. 8.)

20 **MS. PAYERLE:** Be number -- is that 8? Thank  
21 you.

22 **BY MS. PAYERLE:**

23 Q. All right. Let's go ahead and publish Exhibit 8.

24 All right. Just kind of describe to the jury what  
25 we're looking at here as an example document.

1 A. So this would be basically all the patients for the  
2 day. It would be their -- their appointment time, their  
3 name, and then what their chart number was in the system,  
4 their telephone number, who the provider was, which was  
5 Jeff, what type of insurance they had. And then in the  
6 comments was typically what they were there for.

7 Q. All right. Let's go ahead and just blow up, so the  
8 jury can see, maybe the top third of the page.

9 You see on the right there are several patients  
10 where the description is one-month follow-up. What were  
11 those patients coming in to get?

12 A. Most of those patients would be coming in to get a  
13 controlled prescription.

14 Q. Why -- why would it be labeled one-month follow-up?

15 A. Because they came in monthly to get those  
16 controlled prescriptions.

17 Q. And every time they came in the door, did the  
18 clinic bill for an office visit to their insurance?

19 A. Yes, ma'am.

20 Q. And if they didn't have insurance, how would the  
21 clinic get paid?

22 A. They would pay out of their own pocket.

23 Q. And what was that? Do you remember what that cost?

24 A. There were different prices for whether it was an  
25 established patient, a new patient, or if they had to

1 take a drug screen or not. It would be right around a  
2 150, \$175, if I remember correctly, depending on a drug  
3 screen or if they were established or not.

4 Q. Okay.

5 **MS. PAYERLE:** And Ms. Silverberg, if we could  
6 just blow up, so they can see the rest of this page, the  
7 middle third and then the bottom third.

8 This is all for one day.

9 And then let's go to the next page and let the  
10 jury take a look at that second page of that same day.

11 Okay. Back out and take -- look at the bottom  
12 half.

13 **BY MS. PAYERLE:**

14 Q. Ms. Gutgsell, is this the typical number of  
15 patients that Mr. Young would see on a day, this sort of  
16 full- to two-page list?

17 A. Yes, ma'am.

18 Q. And about a typical kind of distribution of the  
19 number of one-month follow-up patients versus other  
20 issues?

21 A. Correct. Yes, ma'am.

22 Q. All right. Next up, I'd like to show you what's  
23 been marked Exhibit 602.

24 **THE COURT:** Before we get to that, what was the  
25 date of this schedule?

1           **MS. PAYERLE:** Thank you.

2           **THE COURT:** Are you able to see?

3           **MS. PAYERLE:** Oh, I'm sorry. Let's go back to  
4 Page 1, and blow up the very top there.

5           **THE WITNESS:** The date of this is actually 1/11  
6 of 2017.

7           **MS. PAYERLE:** Okay. That's January 11th. Thank  
8 you.

9           **THE COURT:** Do you know the number of patients  
10 that day? If you don't know, that's fine.

11           **THE WITNESS:** I don't know. No, sir, I don't  
12 know.

13           **THE COURT:** That's fine.

14           **MS. PAYERLE:** All right. Ms. Silverberg, we can  
15 put that down.

16 **BY MS. PAYERLE:**

17 Q. And I'm going to show you exhibit -- what's been  
18 marked as 602, and this is a one-page exhibit. It's the  
19 floor plan with some edits you'll tell the jury about at  
20 Preventagenix?

21 A. Correct.

22           **MS. PAYERLE:** Move to admit, Your Honor.

23           **THE COURT:** We'll go ahead and receive it, floor  
24 plan of the clinic.

25           (The above-mentioned item was marked as



1 Exhibit No. 9.)

2 THE COURT: That'll be Number 9.

3 MS. PAYERLE: And would you publish,

4 Ms. Silverberg, Exhibit 602.

5 BY MS. PAYERLE:

6 Q. All right. So you've just seen a list, or you've  
7 just talked about a list of patients that were on the  
8 schedule. So focusing specifically on the list of  
9 patients that were sort of officially scheduled at the  
10 clinic, would you describe for the jury where they would  
11 come into the clinic on this floor plan?

12 A. Okay. So typically where it says "main entrance,"  
13 that was the front door. And then they would walk in and  
14 go to the right, which is Suite B. And then there's an  
15 area right there where it says "patient seating." That's  
16 where patients would come in and seat. And then the  
17 desk, that's where they would check in with the  
18 receptionist.

19 Q. Okay. And then if they were called back to be seen  
20 by Mr. Young, where would they go?

21 A. Okay. So if you see to the right of where it says  
22 "office staff desk," there's a door. Yes, ma'am, right  
23 there.

24 Q. I circled it. There we go. Okay.

25 A. So they would go through that door, and that would

1 take you to the back part where the patient rooms, the  
2 lab, the triage area and all that is.

3 Q. Okay. The patient rooms.

4 Okay. And could you describe for the jury sort of  
5 what the waiting room looked like in terms of the  
6 patients who were there during the time that you worked  
7 at Preventagenix?

8 A. Like as far as what the patients looked like?

9 Q. Yes. And was it empty or full, that kind of thing.

10 A. It was always full.

11 The -- the patients, a lot of them looked as if  
12 they had issues.

13 Q. Okay. And, of course, you're under oath, and so  
14 now is not the time to be polite. If you could just  
15 describe to the jury more specifically what you observed  
16 with Mr. Young's patients.

17 A. As if they were strung out.

18 Q. Okay. Now, where was -- where was your office on  
19 this map?

20 A. Okay. So if you look back at the main entrance,  
21 that area right there is kind of like a common area as  
22 you walk in the front door. And if you go to the left,  
23 that would be the business side. And my office -- you go  
24 through that door, and my office was -- Jeff's office was  
25 in the very end.

1 Q. Here?

2 A. No, other -- the other end.

3 Q. All right. Over here somewhere?

4 A. Down by where it says "door," all the way at the  
5 end of the corner.

6 Q. So over here?

7 A. Yes. And then mine would be right in front of his.

8 Q. Right here?

9 A. No.

10 Q. No?

11 A. On top, I guess I should say. Sorry.

12 Q. Okay.

13 A. And then the files would be farther down, like in  
14 the third room.

15 Q. Okay. Now, you talked about this sort of -- the  
16 process for the patients that we saw on that list. Did  
17 everybody who was getting prescriptions from Jeffrey  
18 Young go -- go through the waiting room and wait to get  
19 called back?

20 A. No, ma'am.

21 Q. Explain briefly what you mean by that.

22 A. Jeff had a lot of friends and a lot of people that  
23 would come in through -- if you see in the back where it  
24 says "lab," there's -- there is a back door beside the  
25 lab that's not on this piece of paper.

1 Q. And actually while you're talking about that, can  
2 we please publish for the jury Exhibit -- I believe  
3 it's 7 and our internal page marking 16.

4 Maybe a different page. That will be Page 9 of  
5 Exhibit 7. And what are we looking at here?

6 A. That is the actual back door of the clinic.

7 Q. Okay. And so let's go back to the floor plan at  
8 Exhibit 9.

9 So you said some patients came in through that back  
10 door. Were there other ways that people who were getting  
11 prescriptions came into the clinic to see Mr. Young?

12 A. Sure. Some would come in the main entrance and go  
13 to the left, like where my office is and his office was.  
14 Some would still walk into the main patient area, and  
15 they were recognized by the -- the receptionist, and they  
16 would get up, because that door that is right there in  
17 the regular patient seating was always locked. Yes,  
18 correct. And the receptionist would recognize them as  
19 being one of Jeff's friends. And they would just,  
20 without questions asked, get up and go and lock the door,  
21 and they would just walk back there.

22 Q. Okay. So these -- these people who bypassed the  
23 normal patient procedure, I know you've described they'd  
24 come into the office through various ways. But just for  
25 simplicity, can we sort of call them back-door patients?

1 A. Sure. Sure.

2 Q. Okay. And can you also describe -- was there a  
3 category of patients called VIPs at the clinic?

4 A. Yes.

5 Q. Okay.

6 A. That's different.

7 Q. They're different. Okay.

8 A. Yes.

9 Q. Can you explain to the jury who VIPs were?

10 A. Jeff had a system set up that if you paid, I  
11 believe it was a thousand dollars, that was for a year of  
12 what he called like a concierge service to where they  
13 would get private access to him, whether it'd be Facebook  
14 Messenger, telephone calls, not having to wait in the  
15 waiting room. They would always get to get called back  
16 first. Those were the VIP patients.

17 Q. And did that -- did that program really take off,  
18 that thousand dollars a year to get special access to  
19 Jeffrey Young?

20 A. When I was there, no, it didn't. I didn't know  
21 many patients that were a part of that.

22 Q. But you did have people with special access, these  
23 back-door patients who weren't paying special premiums?

24 A. Correct. Those are two different types of  
25 patients.

1 Q. All right. Can you name the names of these --  
2 let's call them back-door patients that would come in to  
3 see Mr. Young?

4 A. Sure. Like Ben Elston, Daphne Joyner, Alexandria  
5 Gray.

6 Q. Were there any people that have fame or sort of  
7 notoriety in some way?

8 A. Oh, yes. He was -- he was friends with a lot of  
9 musicians, rock stars, popular groups.

10 Q. About how many times a week did you see back-door  
11 patients come in to see Mr. Young and bypass these normal  
12 doctor's office procedures?

13 A. Well, it happened on a daily basis, so it was  
14 several times a day. So if I had to classify, like, for  
15 a week, I would say at least 10 times, 10 people a week.

16 Q. And over the time that you were there, can you  
17 estimate the number of these sort of back-door patients,  
18 the total number of people that came in, in alternate  
19 ways through the clinic?

20 A. Oh, well, considering I worked there for a little  
21 over a year, I would have to say it was well over a  
22 hundred different people.

23 Q. All right. Let's talk a little bit about these  
24 people. Can you put them in sort of a categories? Was  
25 there anything that they had in common?

1 A. I mean, I guess some of the people did have  
2 different things in common.

3 Q. Okay. Let's -- first of all, were they men and  
4 women?

5 A. They were both. Yes, men and women.

6 Q. Okay. So who were the men? Like, what did they  
7 have in common?

8 A. Most of the men were musicians, buddies that Jeff  
9 had that, you know, he either grew up with or played  
10 music with.

11 Q. Okay. And did the women have anything in common?

12 A. Most of them were pretty women who were either  
13 sleeping with Jeff or attracted to Jeff or Jeff was  
14 attracted to.

15 Q. And let's start with the women, if we could.  
16 Can -- can you sort of estimate the quantity of women who  
17 were part of this back-door group of a hundred that  
18 you're talking about?

19 A. Probably more than half were women.

20 Q. And how did you know that he was sleeping with them  
21 or trying to sleep with them or vice versa?

22 A. He bragged about it, and you could also hear it.

23 Q. What do you mean by "hear it"?

24 A. He would have sex with them during the working day  
25 in his office.

1 Q. And where were you that you could hear?

2 A. In my office.

3 Q. So right next door?

4 A. Correct.

5 Q. What specifically, if you could tell the jury,  
6 would he say when he was bragging about it?

7 A. There was tap-that-ass Tuesday, tap-that-ass  
8 Thursday. There was -- he was going to have a nooner,  
9 which was during lunch hour.

10 He would, after he was done, put his fingers in my  
11 face for me to smell.

12 Q. And pardon me, but for the -- for jurors who might  
13 not know, when you say "tap that ass," what is -- is that  
14 slang?

15 A. For he's going to have sex with these people.

16 Q. Can you name some of these women that were in this  
17 sort of back-door category who you knew he was sleeping  
18 with?

19 A. Sure. Courtney Howell, Anastasia Brown, Daphne  
20 Joyner.

21 Q. Sorry. Was it Anastasia Brown?

22 A. Uh-huh.

23 Q. Okay. And Daphne Joyner. Do you know if she  
24 worked at the clinic?

25 A. She did.



1 Q. Okay. Was she also known as Daphne Montoya?

2 A. She was, yes, ma'am.

3 Q. Okay. Now, you mentioned the name Courtney Howell.

4 Did you witness an incident regarding Courtney Howell?

5 A. I did.

6 Q. Could you tell the jury about that, please?

7 A. She was a patient as well as a person that Jeff had  
8 sex with on a -- many occasions.

9 One time she came in on the business side and went  
10 back to his office, which was right next to mine, and he  
11 came back there. They talked. She had a drink. And  
12 then later, once he was done with patients, he came in,  
13 shut the door, had sex with her, because I could hear it,  
14 and then left to go see patients again. And when I left  
15 my office, I looked over, and she was asleep on his  
16 couch.

17 Q. Did you see what condition she was in? When she  
18 first came in the office, how did she look?

19 A. She was fine.

20 Q. And did you ever see her sometime between the time  
21 that she was fine and the time that she was asleep?

22 A. Yes.

23 Q. And what was that sort of intermediate period like?

24 A. Like she was having a hard time holding her head  
25 up. Thought she was sleepy. You know, something was

1 going on with her.

2 Q. Was Mr. Young prescribing controlled substances to  
3 Courtney Howell?

4 A. Yes, ma'am.

5 Q. And how do you know that?

6 A. There's a thing called PMP that you can pull to  
7 see. It was something that the receptionist would do on  
8 a daily basis before the patients come in to see their  
9 different controlled prescriptions. And then Jeff would,  
10 most of the time, chart it and -- in their charts.

11 Q. Okay. And just because we haven't heard the term  
12 yet, can you just describe for the jury what the PMP is?

13 A. Yes.

14 Q. By the way, is it also called a CSMD?

15 A. Yes.

16 Q. Okay. Same document?

17 A. Same thing.

18 Q. Okay.

19 A. It's the same thing. Basically it's a database  
20 that physicians have access to, and it's supposed to help  
21 you see -- if they're getting a controlled substance from  
22 any doctor, it will show that. And -- and you're  
23 supposed to check to make sure people aren't doctor  
24 shopping or getting overprescribed or getting, you know,  
25 different medications on a monthly basis. It was -- it

1 was something that we did, that the receptionist did on a  
2 daily basis. They would pull that and put it on the  
3 front of the chart.

4 Q. And so through looking at the PMP, you could see  
5 the prescriptions that Mr. Young was writing to various  
6 people?

7 A. Correct.

8 Q. Okay. I guess, do you have anything to share about  
9 other women that fall into this category of back-door  
10 patients?

11 A. Most all of those women were receiving controlled  
12 substances as well.

13 Q. Okay. You also mentioned -- let's talk more about  
14 the men who were coming in the back door.

15 Can you name a few of -- I think you mentioned a  
16 gentleman named Ben Elston?

17 A. I did, yes, ma'am.

18 Q. Did you know somebody named Jay Green?

19 A. Yes, ma'am, I do.

20 Q. Did he fall into that category?

21 A. He did.

22 Q. What did Jay Green do for a living?

23 A. I believe he was a police officer for another  
24 county, not Madison County. I don't remember which one.

25 Q. And did Mr. Young ever ask any favors of Jay Green?

1 A. He did.

2 Q. And explain what kind of things he would ask Jay  
3 Green to do for him.

4 A. He -- besides being his bodyguard, he went out with  
5 Jeff a lot and acted as his bodyguard. But he -- since  
6 he was a police officer, he was able to look up different  
7 things. You know, if Jeff had a warrant or anybody filed  
8 anything against him, Jay was able to look up in whatever  
9 database to see if anything like that had happened.

10 Q. And did Mr. Young prescribe controlled substances  
11 to Jay Green?

12 A. I do not know.

13 Q. Okay. Was there another police officer named  
14 Bryant whom he -- with whom he was friends?

15 A. Brian Spencer?

16 Q. Is he a police officer?

17 A. Yes, ma'am.

18 Q. Okay. Were they -- was he friends with Mr. Young?

19 A. Yes.

20 Q. All right. And was -- was Brian or somebody Brian  
21 was related to getting prescriptions from Mr. Young?

22 A. His wife Lydia.

23 Q. And did Mr. Young ever ask Brian to look up  
24 information?

25 A. Yes.

1 Q. Okay. What kind of information?

2 A. The same thing, to see if -- if warrants were filed  
3 or if his -- if Jeff's ex-wife had filed any kind of, you  
4 know, harassment against him. She threatened that often  
5 with him, and so he wanted to know if she did, in fact,  
6 follow through with what she said.

7 Q. And then you also mentioned that -- that Jay Green  
8 would serve as a bodyguard. Did he have anybody else who  
9 he would call his bodyguard?

10 A. Ben Elston as well.

11 Q. Okay. And did he tell you -- did he tell you why  
12 he needed a bodyguard?

13 A. Jeff, as he would like to say, had a lot of haters,  
14 and he thought that he needed protection from these men.

15 Q. And did they -- did they bodyguard him at the  
16 clinic or in other places?

17 A. Like the clubs or any establishments that Jeff  
18 would go to where it was more of a drinking atmosphere,  
19 anything like that.

20 Q. Did Jay Green and Ben Elston drink with him?

21 A. Yes.

22 Q. Okay. And was he prescribing to Ben Elston as  
23 well?

24 A. Yes.

25 Q. What about rock stars or people who were famous?

1 Was there anybody like that in his orbit --

2 A. Yes.

3 Q. -- that came in through the back door?

4 A. Yes.

5 Q. Do you know any names?

6 A. Scott Bartlett.

7 Q. Do you remember why Scott Bartlett was famous?

8 A. He was in or is in a band. And I don't know the  
9 name of it right now. Maybe can tell you in a few  
10 minutes.

11 Q. Yeah, if you think of it, let us know.

12 A. Sure.

13 Q. And let's get back to Ben Elston, though, one of  
14 his -- one of his bodyguards.

15 **MS. PAYERLE:** At this time, Your Honor, the  
16 government is going to show the witness -- checking on  
17 the page count here. It's a 364-page document. We will  
18 not discuss each page, I promise, which --

19 **BY MS. PAYERLE:**

20 Q. Is this Ben Elston's patient file that was kept at  
21 Preventagenix?

22 (A document was passed to the witness.)

23 A. Yes, ma'am.

24 **MS. PAYERLE:** Okay. At this time, the  
25 government moves to admit Ben Elston's patient file.

1           **THE COURT:** Go ahead and receive it  
2 collectively. It will be Exhibit 10.

3           (The above-mentioned item was marked as  
4 Exhibit No. 10.)

5           **MS. PAYERLE:** And this is Exhibit 10.

6 **BY MS. PAYERLE:**

7 Q. Let's take a look at Exhibit 10.

8 Publish just Page 199, if we could.

9 First, I'd like to just familiarize the jury with  
10 this kind of document. Are these -- is this kind of  
11 document found throughout patient files at Preventagenix?

12 A. Yes, ma'am. These are toxicology reports.

13 Q. All right. And let's just zoom in to the top half  
14 to sort of get oriented.

15 And the top half here, we have the patient's name.  
16 And who's that?

17 A. Ben Elston.

18 Q. And the requesting physician, who's that?

19 A. Jeff Young.

20 Q. The patient's date of birth. And on the right, the  
21 date that the -- says "date collected"?

22 A. Correct. Okay. His date of birth is 4/2 of '77,  
23 and then the date collected is 11/17/2015.

24 Q. What was collected?

25 A. His urine.

1 Q. Okay. And then 11/20/2015, is that the date that  
2 you received the report at Preventagenix?

3 A. Correct. That's when it came back to  
4 Preventagenix.

5 Q. All right. Specimen type is urine. And then under  
6 "medications," there's three listed: amphetamine,  
7 carisoprodol, and hydrocodone. Do you see that?

8 A. Yes, ma'am.

9 Q. And what did -- what did those indicate?

10 A. That indicated the medications that Jeff prescribed  
11 him.

12 Q. Okay. And then let's back out of that and look at  
13 the bottom half, the summary of quantitative results  
14 there.

15 Okay. What are we looking at at here?

16 A. Okay. So on the first column, it says "drug name."  
17 That is what drugs were in his system, in his urine.

18 Q. Is that sort of the drugs they were testing for?

19 A. No. That was everything that was in his system.

20 Q. Okay. But then under --

21 A. Oh, yes. I see what you're saying. Everything  
22 that -- yes, I understand now. I'm sorry.

23 Yes. Everything that they tested for and then the  
24 results show, you know, detected or not detected.

25 Q. Okay. So the ones that say "detected," to you that



1     meant it was in his system, and "not detected" means it  
2     wasn't in his system?

3     A.     Correct.

4     Q.     And then under "outcome," there's "consistent" and  
5     "inconsistent." What does that mean? The next column,  
6     "outcome, consistent and inconsistent."

7     A.     Okay. So basically it said that amphetamine was  
8     detected in his system, and that's consistent with what  
9     Jeff prescribed.

10    Q.     Okay. And then let's look at an inconsistent, so  
11    carisoprodol?

12    A.     Is not -- excuse me -- not detected, which makes  
13    that inconsistent because Jeff does prescribe him that  
14    drug, but it was not in his system, so therefore, it  
15    makes it an inconsistent outcome.

16    Q.     All right. And was there anything on this screen  
17    that particularly concerned you? And actually let me  
18    back up because I want to lay some foundation for this.  
19    Let me back up.

20           **MS. PAYERLE:** Back out of that, if you wouldn't  
21    mind.

22           No, I'm sorry.

23           **MS. SILVERBERG:** Sorry. Sorry.

24           **MS. PAYERLE:** Yeah. Okay. You got it? I give  
25    terrible instructions.

1 **BY MS. PAYERLE:**

2 Q. Whose handwriting is there at the bottom?

3 A. That is my handwriting.

4 Q. Okay. And you said -- what did you write there at  
5 the bottom?

6 A. "Counseled patient and offered rehab. Patient  
7 stated he didn't have a problem."

8 Q. Why did you counsel this patient?

9 A. Because he failed his drug screen for other drugs  
10 that Jeff did not prescribe to him.

11 Q. Okay. So let's go ahead and blow up the middle  
12 piece again there.

13 And what's benzoylecgonine? What did that mean to  
14 you?

15 A. I believe that to be cocaine.

16 Q. And then what other drugs? Like morphine,  
17 nordiazepam, oxazepam, temazepam, what was the problem  
18 with those?

19 A. Those are also drugs that Jeff did not prescribe  
20 him.

21 Q. But they were detected in his system?

22 A. Yes, ma'am.

23 Q. And hydrocodone and hydromorphone?

24 A. Hydrocodone was in his system, and Jeff prescribed  
25 it. And then the hydromorphone is a metabolite, I

1 believe, of the hydrocodone.

2 Q. Okay. So there's a lot of drugs in his system, and  
3 you counseled him. You offered him to get rehab, and he  
4 said --

5 A. He didn't have a problem.

6 Q. Said he didn't have a problem.

7 Why -- why were you counseling him? I mean, in  
8 other words, was that part of your job sometimes?

9 A. It became part of my job, especially when it was  
10 friends of Jeff's, to try to get rid of patients like  
11 that, that he was continually writing controlled  
12 prescriptions to, even though they were consistently  
13 failing drug screens.

14 Q. And did you believe Ben Elston fell into that  
15 category?

16 A. He did, yes, ma'am.

17 Q. What happened after you tried to get rid of Ben  
18 Elston?

19 A. Jeff would just write him the prescription anyway  
20 after office hours, at home, meet him in the parking lot,  
21 whatever. However he did it, he would still get the  
22 prescriptions.

23 Q. Did you talk to Mr. Young about this encounter you  
24 had with Ben Elston?

25 A. I don't remember this specific time, but there

1 was -- I don't know if it was this time or another time  
2 that I spoke with Jeff about it, but it -- I have spoke  
3 with Jeff about it many times.

4 Q. And specifically you've talked to Jeff Young about  
5 Ben Elston failing drug screens?

6 A. Correct.

7 Q. And what was Mr. Young's reaction?

8 A. He wasn't surprised, and it was just a fleeting  
9 thought for him. He didn't really care one way or the  
10 other.

11 Q. Did it happen with some regularity that you or the  
12 staff would try to dismiss patients for one reason or  
13 another, and Mr. Young would continue prescribing to them  
14 or allow them to return?

15 A. Yes, often. That happened often.

16 Q. And can you think of some examples of that?

17 A. Well, right here with Ben Elston.

18 Q. Anybody else you can think of?

19 A. Yes, ma'am.

20 Q. All right. Go ahead and name names.

21 A. Tricia Stansell; Bethany Pusser. I can't name just  
22 right off the top of my head, but there are several. If  
23 I can look at a list, I can point them out to you.

24 Q. Okay.

25 A. I'm sorry.

1 Q. That's okay.

2 Now, you testified that some of these kind of  
3 back-door patients were locally famous or connected  
4 people, like rock stars, musicians, things like that?

5 A. Correct.

6 Q. Can you tell the jury a little bit about  
7 Mr. Young's attitude toward fame for himself?

8 A. He craved fame. He needed fame. He believed that  
9 he was famous. He wanted to get fame any way that he  
10 possibly could. He wanted to be the center of attention.  
11 He was the center of attention very often, whether it  
12 hurt people or not.

13 Q. I'm going to show you another exhibit, a one-page  
14 exhibit marked -- and we can take this down. Thank  
15 you -- marked 603.

16 (A document was passed to the witness.)

17 **BY MS. PAYERLE:**

18 Q. Do you recognize this as a -- an advertisement that  
19 Mr. Young posted?

20 A. I do.

21 Q. Okay.

22 **MS. PAYERLE:** Move to admit, Your Honor.

23 **THE COURT:** We'll go ahead and receive it. It's  
24 a one-page document. It will be Number 11.

25 (The above-mentioned item was marked as

1 Exhibit No. 11.)

2 **MS. PAYERLE:** And let's publish 603 -- or  
3 sorry -- Number 11, please. Exhibit 11.

4 **BY MS. PAYERLE:**

5 Q. Ms. Gutgsell, where did you -- where did you see  
6 this advertisement posted?

7 A. Facebook.

8 Q. And it says "sail away with the Rock Doc."  
9 Whose photo is that in the picture?

10 A. That's Jeff Young.

11 Q. And who is the Rock Doc?

12 A. That was also Jeff Young.

13 Q. Okay. Tell the jury about the Rock Doc.

14 A. I'm not real sure how he got that name, but he --  
15 he went by the "Rock Doc" every chance that he got, but  
16 he's not a doctor.

17 Q. And did he ever try to publicize that image in some  
18 way or create some kind of media content?

19 A. Daily.

20 Q. Did there come a time when he became interested in  
21 a reality TV show?

22 A. Yes, ma'am.

23 Q. Tell the jury about that.

24 A. He hired a producer and a film guy to come in and  
25 record his life, from the time he woke up until the time

1 he went to bed, for a week, and wanted to start a -- like  
2 a reality show, and he called it "Rock Doc."

3 Q. And did, in fact, people create this show for him?

4 A. It was on YouTube. So besides being anywhere and  
5 besides YouTube, I'm not sure of, but it was recorded and  
6 published on YouTube.

7 Q. And did you see a trailer for this show on YouTube?

8 A. I have.

9 MS. PAYERLE: And I -- the government has a -- I  
10 believe has a clip on a CD labeled Document 608, so we  
11 would move to enter that into evidence as well.

12 MR. FERGUSON: I do have a question on this, if  
13 we could sidebar.

14 MS. PAYERLE: Yes.

15 (Bench conference on the record, with  
16 Mr. Ferguson and Ms. Payerle only, out of the hearing of  
17 the jury.)

18 MR. FERGUSON: Is it the whole -- it's the whole  
19 thing?

20 MS. PAYERLE: Not the whole episode. It's like  
21 a three-minute trailer.

22 MR. FERGUSON: I would --

23 MS. PAYERLE: It's the -- it's like a trailer  
24 for the show.

25 MR. FERGUSON: I think the whole exhibit needs

1 to be shown and not just pieces and parts.

2 **MS. PAYERLE:** Well, I mean, it is the whole --  
3 it is -- it was -- it was a trailer that he published on  
4 YouTube as a piece.

5 **MR. FERGUSON:** Okay.

6 **MS. PAYERLE:** So it's like the whole trailer.

7 **MR. FERGUSON:** Okay.

8 **MS. PAYERLE:** So he published a -- like a  
9 25-minute episode, but then he published like a  
10 three-minute preview of --

11 **MR. FERGUSON:** We're going to play a 25-minute  
12 episode?

13 **MS. PAYERLE:** I wasn't going to, but I -- not  
14 right now. Her -- because she's just testified she  
15 saw -- I mean, the trailer's three minutes, and it's a --  
16 it's a piece --

17 **MR. FERGUSON:** We'll come back to it. I'm okay  
18 right now. I just want to make sure what I was about to  
19 say because this --

20 **THE COURT:** All right. Let's get on with it.

21 **MS. PAYERLE:** It's a complete trailer.

22 **THE COURT:** Three minutes.

23 **MR. FERGUSON:** I'm trying to make objections  
24 around the jury.

25 **THE COURT:** I appreciate it. Thanks.



1           **MR. FERGUSON:** Thank you.

2           **MS. PAYERLE:** Thanks.

3           (Bench conference concludes, and the proceedings  
4 continue as follows:)

5           **MS. PAYERLE:** Okay. Government moves to admit  
6 the sort of three thirty -- it might be  
7 three-minutes-and-30-second-or-so trailer for the Rock  
8 Doc TV show.

9           **THE COURT:** I'm assuming the witness has seen it  
10 before because she hasn't identified anything.

11           **MS. PAYERLE:** Right. She has, Your Honor. I  
12 described it to her, and she said she'd seen it.

13           **THE COURT:** Go ahead.

14           **MS. PAYERLE:** Okay. Let's go ahead and play.  
15 And I believe -- do we have this as a CD?

16           **MS. SILVERBERG:** No, I have it right here. Oh,  
17 yeah, he -- the CD's there for him.

18           **MS. PAYERLE:** All right. Let's go ahead and  
19 play.

20           (The above-mentioned item was marked as  
21 Exhibit No. 12.)

22           (An audio-video recording was played.)

23           **BY MS. PAYERLE:**

24           Q. Okay. I'm going to stop it. We will play the  
25 whole thing. I just want to stop at certain parts and

1 ask you questions.

2 Here he says the clinic had a heavy focus on  
3 preventative medicine.

4 In reality, what percentage of patients would you  
5 estimate were just there to get controlled substances  
6 month after month?

7 A. I would say well over half, 70 percent.

8 Q. And what percentage of those patients actually paid  
9 cash out of pocket for those appointments?

10 A. 25 to 30 percent.

11 Q. Did -- taking the group of those cash-pay patients,  
12 did cash-pay patients ever come in for sort of what's  
13 called ordinary preventative medicine, or did the  
14 cash-pay patients always just get controlled substances?

15 A. So there were some that came in for various things  
16 that were not controlled substances, not -- not very many  
17 at all, though.

18 Q. So I guess just to clarify, the majority of  
19 cash-pay patients were there for controlled substances?

20 A. Yes, ma'am.

21 **MS. PAYERLE:** Okay. Let's keep playing.

22 (An audio-video recording was played.)

23 **BY MS. PAYERLE:**

24 Q. Okay. Did Mr. Young talk about his image a lot?

25 A. Yes.

1 Q. The way he looked?

2 A. Yes.

3 Q. And tell the jury about that.

4 A. He -- he liked the fact that he didn't look like a  
5 typical provider with his tattoos and his, you know, hat  
6 on backwards and didn't wear the typical white coat. He  
7 was, you know, someone just like the gentleman said, that  
8 should be in the front line of a rock band.

9 Q. Okay. Let's keep going.

10 (An audio-video recording was played.)

11 **BY MS. PAYERLE:**

12 Q. Did Mr. Young go on this local Jackson radio show a  
13 lot?

14 A. He did. He had to pay to be on that. It was for  
15 advertising.

16 Q. Okay.

17 **MS. PAYERLE:** Let's keep going.

18 (An audio-video recording was played.)

19 **BY MS. PAYERLE:**

20 Q. Who is -- who is this gentleman here?

21 A. That's Scott Bartlett.

22 Q. Okay. He was the rock star you were talking about?

23 A. Correct.

24 Q. Okay.

25 **MS. PAYERLE:** Let's keep going.

1 (An audio-video recording was played.)

2 **BY MS. PAYERLE:**

3 Q. Where -- where were they sitting?

4 A. That's in Jeff's office.

5 Q. Okay.

6 **MS. PAYERLE:** Let's keep going.

7 (An audio-video recording was played.)

8 **BY MS. PAYERLE:**

9 Q. That gentleman we just saw talking earlier saying  
10 there's a lot going on there, who is that?

11 A. Kevin Phillips, Jeff's best friend that he refer to  
12 as Uncle Kevin.

13 Q. Okay. Did he have another nickname besides Uncle  
14 Kevin?

15 A. Puffy K.

16 **MS. PAYERLE:** And let's keep on going to the  
17 end. Thanks.

18 (An audio-video recording was played.)

19 **MS. PAYERLE:** Okay.

20 **THE COURT:** About how much longer with this  
21 witness?

22 **MS. PAYERLE:** Maybe another hour, Your Honor.

23 **THE COURT:** An hour? We'll go ahead and take  
24 our morning break at this time.

25 **MS. PAYERLE:** Yes, sir. Thank you.

1           **THE COURT:** Y'all have heard some proof now, but  
2 don't discuss the case amongst yourselves or allow anyone  
3 to discuss it with you while we take our break. And  
4 remember, no independent investigations. Okay. So I'm  
5 going to go ahead and excuse you to the jury room.  
6 Fifteen, twenty minutes or so, and we'll get back to it.

7           (Jury out at 11:15 a.m.)

8           **THE COURT:** And Ms. Gutgsell, remember over the  
9 break, don't discuss your testimony with anyone.

10          **THE WITNESS:** Yes, sir. Thank you.

11          **THE COURT:** You can step down.

12          **THE WITNESS:** Yes, sir. Thank you.

13          (The witness complies with the request.)

14          **THE COURT:** Okay. We'll be in recess.

15          **MS. PAYERLE:** Thank you.

16          (Recess at 11:16 a.m. until 11:40 a.m.)

17          **THE COURT:** Anything from either side before we  
18 bring in the jury?

19          **MS. PAYERLE:** No, Your Honor.

20          **MR. FERGUSON:** No, Your Honor.

21          **THE COURT:** I do just have a couple of small  
22 things.

23                 With this witness, as well as with the prior  
24 witness, each of the government's lawyer has reminded  
25 them that they're under oath. It didn't seem like they

1 were having -- you were having any question -- any  
2 problems with the answers or anything, so I'm just  
3 inquiring why y'all do that.

4 **MS. PAYERLE:** Judge, it was just that with the  
5 line of questioning, the witness had seemed to express  
6 some concern about sort of describing patients in a way  
7 that was candid because it seemed impolite to use the  
8 words that they, I think, felt they wanted to use to  
9 describe those folks. And so I think it was just a  
10 matter of kind of helping the witness understand that  
11 they wouldn't be viewed as impolite and that because of  
12 the oath that they've taken, they're really required to  
13 speak candid about the perception.

14 So in both cases, I think it was because the  
15 witness had expressed, earlier, some hesitation about  
16 kind of being -- using the words that they used to  
17 described these patients. I think it's just a product of  
18 being kind of play people.

19 **THE COURT:** Well, I'll appreciate it if y'all  
20 would not refer to their oath anymore, unless you're  
21 having difficulty with the witness.

22 **MS. PAYERLE:** Yes, Your Honor.

23 **THE COURT:** They didn't express any, so just  
24 tell the witness go ahead and answer candidly.

25 **MS. PAYERLE:** Yes, sir.

1           **THE COURT:** If there's a problem, then we'll  
2 deal with that.

3           And the other thing is at the rate we're going  
4 with these witnesses, I think we'll be here through the  
5 month of April.

6           **MS. PAYERLE:** Well, I don't think so, Judge,  
7 respectfully. There are some witnesses at the beginning  
8 that are going to take a while because they have to  
9 establish -- for example, the jury has never seen these  
10 toxicology reports before, and the jury doesn't know what  
11 a PMP is and some of the basics. And so these things,  
12 when they're woven in, just kind of take a while.

13           These witnesses were key insiders within the  
14 office that saw a lot of things, and there's just a lot  
15 of topics to cover. But I think the Court will see that,  
16 as the week progresses, the witnesses will get shorter  
17 and shorter and shorter. And, you know, there will be  
18 some longer witnesses because there's just a lot of  
19 evidence and documents in the case, but we are trying to  
20 move through it as expeditiously as possible.

21           **THE COURT:** I appreciate that. But just keep in  
22 mind that -- the word you just used is foremost:  
23 expeditiously.

24           **MS. PAYERLE:** Yes, Judge.

25           **THE COURT:** Okay. All right.

1           **MS. PAYERLE:** Thank you.

2           **THE COURT:** Mr. Ferguson, anything?

3           **MR. FERGUSON:** No, Your Honor.

4           **THE COURT:** All right. Let's bring in the  
5 jurors, please.

6           (Jury in at 11:43 a.m.)

7           **THE COURT:** You may proceed.

8           **THE WITNESS:** Thank you.

9           **THE COURT:** Okay. Folks, we're about ready to  
10 get started. One little note: Mr. Richmond communicated  
11 to me it's kind of cold in here right now, as did  
12 Mr. Herrin. In fact, when I came back in from my  
13 chambers, it seemed like the temperature's gone down  
14 about 10 degrees.

15           **THE JURY:** It's a little chilly.

16           **THE COURT:** It's a little cool; that's right.

17           But I kind of told y'all yesterday, it's an old  
18 building, and this happens. Mr. Herrin is calling GSA --  
19 they maintain the building -- and asked them to adjust  
20 it. Well, sometimes when they adjust it, it will go from  
21 like it is right now up to about 85. So hopefully we can  
22 find a happy median. Congress won't approve us a new  
23 building or anything like that, so we have to bear with  
24 it. So be patient with us.

25           All right. I think we are ready now to go ahead



1 and proceed with the questioning of this -- this witness.

2 Ms. Payerle?

3 **MS. PAYERLE:** Thank you, Your Honor.

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**CONTINUED DIRECT EXAMINATION****BY MS. PAYERLE:**

Q. Ms. Gutgsell, when we left off, we were watching Mr. Young's trailer on YouTube. And he ended it by saying "Preventagenix is an experience." And so I want to talk to you a little bit about the experience of working at Preventagenix.

What was the kind of atmosphere like working there?

A. It could vary from day to day. It was -- there was always rock music playing loud. There -- most of the time, we were happy and like a family. We all loved each other very much. Everybody, you know, cheered each other on, but, you know, some days were harder than others.

Q. And we'll get into some of the harder days in a moment.

I want to ask you. Did Mr. Young prescribe controlled substances to his employees while you were working there?

A. He did.

Q. And can you just, just so we have it on the record, name those employees?

A. Carla Wright, Daniel Rogers, Katie Lindsey, Chelsea Carroll, Alexis -- I don't know her last name right

1 now -- Tessa James, Madison Wooley. There were several.

2 Q. Okay. Did somebody named Dottie Deforest work  
3 there?

4 A. Dottie, yes.

5 Q. What about Rebecca McGowen (phonetic)?

6 A. Yes.

7 Q. How about the Cortina Stewart?

8 A. She worked in the lab. She wasn't employed by  
9 Jeff, but she worked in the clinic, yes.

10 Q. And I believe you testified Daphne Montoya. Did  
11 she work there?

12 A. She worked before I came there and then for a  
13 couple of weeks when I was there.

14 Q. Okay. Were you -- did he prescribe controlled  
15 substances to you?

16 A. He did.

17 Q. Explain to the jury about that.

18 A. He prescribed me Xanax, one milligram, three times  
19 a day. I took Xanax from a previous provider before I  
20 started working for Jeff -- excuse me; I'm sorry -- but I  
21 was only prescribed .25 milligrams once or twice a day,  
22 and he raised it to one milligram three times a day.

23 Q. Did he ever do an evaluation or diagnose you  
24 through a diagnosis process for anxiety?

25 A. No.

1 Q. Did he increase the dose slowly or immediately?

2 A. Immediately.

3 Q. Did he drug test you?

4 A. We had been drug tested throughout the time we  
5 worked there, but in order to get Xanax from him, no. He  
6 didn't ever order any of us to be drug tested.

7 Q. And did he warn you of the risks of addiction?

8 A. No.

9 Q. Ms. Gutgsell, did you become addicted to Xanax  
10 while you worked at Preventagenix?

11 A. Yes, ma'am.

12 Q. Aside to the Xanax addiction, were there any --  
13 first of all, how did that Xanax addiction impact your  
14 life?

15 A. It basically kept me numb from reality. I didn't  
16 understand that I was addicted to them at the time. It  
17 helped me mask things that were important that I  
18 should've paid better attention to.

19 Q. And what were some of those things?

20 A. Working in the environment that I was working in,  
21 the toxic environment, the very -- just the day-to-day  
22 operations that were wrong.

23 Q. And you said that -- that you were working in a  
24 day-to-day environment with a -- sort of the situation  
25 was wrong. Did you aid in that situation, sort of

1 creating that situation?

2 A. I did. I helped Jeff keep the clinic open.

3 Q. And have you taken responsibility for your actions  
4 in keeping Preventagenix open and for the distributions  
5 of drugs that occurred there?

6 A. I have.

7 Q. And explain to the jury what you've done to take  
8 responsibility.

9 A. This is very hard, so forgive me, but I also,  
10 throughout this process, was charged with aiding and  
11 abetting Jeff in prescribing controlled substances, which  
12 I did help him do by keeping the clinic open, loaning him  
13 money to be able to pay employees, keep the doors open.  
14 He couldn't have done that if I didn't help him.

15 Q. Did you plead guilty to that crime?

16 A. I did.

17 Q. As part of that guilty plea, Ms. Gutgsell, did you  
18 enter into a cooperation agreement with the government?

19 A. I did.

20 Q. And is your testimony today part of that agreement?

21 A. Yes, ma'am.

22 Q. Through your testimony today, do you hope to obtain  
23 a benefit?

24 A. Sure.

25 Q. Okay. And how are you, I guess -- aside from the

1 Xanax addiction and the guilty plea, were there other  
2 impacts to your life in terms of the experience of  
3 working at Preventagenix?

4 A. Oh, of course. Financially, it's been a huge  
5 struggle, you know. I had to hire an attorney.

6 Q. Did you lend Mr. Young any money?

7 A. I did.

8 Q. Did you ever get it back?

9 A. I did not.

10 Q. How much was it?

11 A. Right at \$20,000.

12 Q. How about personally? Did your interactions with  
13 Mr. Young lead to any personal consequences for you?

14 A. It did. I mean, I was -- I was harassed  
15 constantly. I was in fear and terrified of him and his  
16 people. I suffer from anxiety, depression, PTSD.

17 Q. And why were you so afraid of him?

18 A. Because you're either for Jeff or against Jeff, and  
19 if you were not for him, there was no neutral ground with  
20 him. If you weren't for him, you were automatically, in  
21 his eyes, against him, and he would make your life a  
22 living hell.

23 Q. What -- what did he do? What do you mean make it a  
24 living hell?

25 A. You know, he would just attack through himself,

1 through his people, through social media, through -- I'm  
2 sorry -- through social media, through anything and any  
3 way. I was followed. I was harassed. I was scared to  
4 go to the grocery store. I was scared for my son to be  
5 out in public with me because I never knew what was going  
6 to happen next.

7 Q. Just to be clear, though, were you ever -- you  
8 were never physically attacked, is that right, by  
9 Mr. Young?

10 A. Oh, yes.

11 Q. Okay. And actually, go ahead and tell the jury  
12 that story.

13 A. Jeff tended to get drunk often. He would come into  
14 work still drunk from the night before, get drunk after  
15 clinic. And telling Jeff something that was difficult --  
16 if something, you know, happened, he would fly off into a  
17 rage, would get drunk. He's spit vodka at me. He's  
18 kicked me. He's screamed at me. He's then turned around  
19 and made me feel guilty as to I'm the only one that can  
20 help him; I'm the only one that can save him. I'm the  
21 only one -- he would kill himself if it wasn't for me.

22 It was very -- an emotional abuse. It wasn't  
23 always just, you know, attacking. Sometimes it was, you  
24 know, him telling me how much he relied on me and how  
25 much help -- he couldn't do it without me.

1 Q. So is it fair to say he was sometimes very kind to  
2 you?

3 A. Oh, yes. Absolutely.

4 Q. Okay. In the context of your guilty plea, did you  
5 take responsibility for two patients in particular --

6 A. I did.

7 Q. -- who were prescribed drugs by Mr. Young?

8 A. Yes, ma'am.

9 Q. Okay. And who are those folks?

10 A. Tricia Stansell and Bethany Pusser.

11 Q. Can you tell the jury about Tricia Stansell?

12 A. Tricia is -- she was actually the mother of Tessa  
13 James who worked for us as well.

14 Q. And what -- why did you take responsibility for  
15 aiding and abetting prescriptions to Tricia Stansell?

16 A. Because Tessa had told me that her mother was an  
17 addict, recovering addict, had -- you know, had problems  
18 with controlled substances before, and I knew that before  
19 her coming into the clinic and Jeff prescribing her  
20 medication.

21 Q. And did you tell Mr. Young what you knew about  
22 Tricia Stansell?

23 A. I did.

24 Q. And what was his reaction?

25 A. He didn't care.



1 Q. How about Bethany Pusser? Who was she?

2 A. She was someone that reached out on Facebook. I  
3 can't remember if she reached out to me or Jeff. But --  
4 and Jeff would post on Facebook, you know, if you have an  
5 addiction problem, contact me; I can help. And through  
6 that post, he did -- she did contact one of us. And she  
7 came into the clinic to get help with her addiction  
8 issues.

9 Q. Did Jeff Young have any addiction counselors on  
10 staff?

11 A. No.

12 Q. Did he run a methadone program?

13 A. No.

14 Q. To your knowledge, did he take any classes or  
15 special training for treating addiction medicine?

16 A. Not that I'm aware of. No, ma'am.

17 Q. Okay. Did -- did Jeff Young, for a while, sort of  
18 start decreasing the medicine that Bethany Pusser was on?

19 A. He did. At some point in time in the beginning, he  
20 was prescribing her the controlled substances that she  
21 was abusing and was -- he was trying to wean her down  
22 from those drugs.

23 Q. Did that ever change?

24 A. Yes. Then he -- she started dating his best friend  
25 Kevin, and then he just started writing her more --

1 different drugs.

2 Q. And what different drugs? Do you know?

3 A. I know she got Adderall and I believe Klonopin or  
4 something like that, like a Xanax or a Klonopin or  
5 something to help relax.

6 Q. And did -- and when you say -- sorry.

7 For the record, when you say "Kevin," did you mean  
8 Kevin Phillips, the person we were talking about earlier?

9 A. Yes, ma'am.

10 Q. Uncle Kevin?

11 A. Uncle Kevin, yes, ma'am.

12 Q. Beyond the patients that you were -- you've just  
13 talked about, did you ever question or confront Mr. Young  
14 about his behavior of reinstatement of other patients,  
15 things like that?

16 A. Yes.

17 Q. And how would he respond?

18 A. Most of time he would give an explanation of why he  
19 didn't care and he was the -- he was the doctor; he was  
20 the provider; he knew what was best.

21 Q. Did you ever confront him about prescribing to  
22 somebody who was pregnant?

23 A. She was -- the person that I'm thinking of, she was  
24 pregnant and getting a Nubain shot, an injection, which  
25 is a controlled substance.

1 Q. What was her name?

2 A. Alex Gray.

3 Q. Okay. And what did Mr. Young say when you  
4 confronted her -- confronted him?

5 A. That it doesn't affect the baby, that drug doesn't  
6 affect the baby.

7 Q. Okay. Did you become aware of the requirement that  
8 the clinic find a supervising physician, like a doctor to  
9 oversee Nurse Practitioner Young's work?

10 A. Yes, ma'am.

11 Q. During the time that you were there, did Mr. Young  
12 always have a supervising physician to look over his  
13 work?

14 A. No, ma'am.

15 Q. How did he handle that in the paperwork?

16 A. He would -- he never -- if a medical doctor had  
17 quit as overseeing physician, he never changed any of the  
18 documentation as far as, like, on the prescription pad.  
19 He just left who was there previously, until he was able  
20 to find another overseeing physician, and then we would  
21 order new prescription pads and put the correct name on  
22 there. So there were times that we were basically just  
23 going off the old preceptor's name.

24 Q. And "preceptor" is a word you're using  
25 interchangeably with "supervising physician"?

1 A. Yes, ma'am. I'm sorry.

2 Q. No, that's just fine.

3 How many supervising physicians did Mr. Young go  
4 through during the time that you were at Preventagenix?  
5 You can name them if it helps to remember.

6 A. Okay. When I came on board, it was Charles Alston,  
7 and he quit shortly after I started working there. Then  
8 it was Dr. Yogesh for approximately two weeks. Then it  
9 was Dr. Alperovich. I don't know exactly how long he  
10 was -- several months that he was involved. And then at  
11 the end was Dr. Rudin.

12 Q. When you say "at the end," what made -- sort of  
13 what was the end? When did that happen? What was the  
14 end of things?

15 A. For me, the end was January 11th, when the raid  
16 happened.

17 Q. Okay. And by "raid," you mean a lawfully executed  
18 search warrant at the premises of Preventagenix?

19 A. Correct.

20 Q. Okay. What was -- let's talk about -- you say  
21 Dr. Yogesh quit within a couple of weeks. After that,  
22 there was somebody named Dr. Alperovich?

23 A. Yes, ma'am.

24 Q. What was the arrangement with Dr. Alperovich? What  
25 was his job, and what was he going to get for it?

1 A. He got paid \$1,500 a month, and he was supposed to  
2 come in and -- once a month -- and review medical charts  
3 of patients that Jeff saw.

4 Q. And did you say how much he would get paid for  
5 that? I'm sorry.

6 A. 1,500 a month.

7 Q. Okay.

8 A. I believe it was 1,500.

9 Q. And Dr. Alperovich come to review patient records  
10 in February of 2016?

11 A. Yes, ma'am, I believe so.

12 Q. All right. I'm going to show you what's been  
13 marked Government's 201. It is a three-page document.

14 Are these text messages between you and Mr. Young  
15 during the time that Dr. Alperovich was reviewing patient  
16 charts?

17 (A document was passed to the witness.)

18 A. Yes, ma'am.

19 **MS. PAYERLE:** Okay. Government moves to admit.  
20 Go ahead and take a look.

21 **THE WITNESS:** Yeah, just . . .

22 **THE COURT:** We'll go ahead and receive it. It  
23 will be Number 13.

24 **THE WITNESS:** Thank you.

25 **MS. PAYERLE:** Thank you.

1 Let's go ahead and publish Number 13, please.

2 (The above-mentioned item was marked as  
3 Exhibit No. 13.)

4 **BY MS. PAYERLE:**

5 Q. All right. So we're going to start on Page 1. And  
6 who is on the right there, and who is on the left of  
7 these text messages?

8 A. On the right, it says "Joshua's mommy," which is  
9 me.

10 Q. Who's on the left?

11 A. Jeff Young, which is the defendant.

12 Q. All right. How about we read through -- you be  
13 you, and I'll be Mr. Young.

14 A. "Okay. Did you talk to him in person?"

15 Q. "Yep. He shouldn't charge \$1,500 for one clinic."

16 A. "He only sign charts once. He will need to come  
17 back before the month is over to sign again."

18 Q. Okay. Let's go down to the next slide.

19 "Especially if we are paying \$3,000."

20 What -- why was it 3,000 instead of 1,500?

21 A. At the time, Jeff had two clinics: One was  
22 Preventagenix out north on Murray Guard Drive, and then  
23 he had a downtown clinic in Jackson as well that a  
24 nurse -- a different nurse practitioner was at.

25 Q. Okay. And then Mr. Young says: "I'm having to

1 hold his hand and explain every patient."

2 What was happening in real time while you were  
3 texting Mr. Young about this?

4 A. Dr. Alperovich was actually in Jeff's office going  
5 through the different charts that were pulled for him to  
6 review, and Jeff was having to explain to him each page  
7 as far as -- Jeff's handwriting is hard to read, first of  
8 all -- but explaining what he wrote and what the  
9 different drug tests, toxicology reports meant, the  
10 different -- why he prescribed what he prescribed.

11 Q. He says: "This is a disaster, painful."

12 Let's keep going to the next page, if we could.

13 And what did you say?

14 A. "Oh, dear Jesus, WTF for?"

15 Q. He says: "I'm still here. He's going over every  
16 PMP."

17 Go ahead.

18 A. "Be sure to show his ass all the patients we fire.  
19 Oh, my God, did Katie pull a lot of pain patients out for  
20 him."

21 Q. Mr. Young says "evidently," and then let's see what  
22 you respond.

23 A. I said "fuck."

24 Q. And then he says: "I will show him."

25 Okay. So could you describe Mr. Young's -- first

1 of all, what was this interaction about pulling the pain  
2 patients? Why were you and he upset that Dr. Alperovich  
3 was seeing the pain patients?

4 A. Because there are so many of them, and -- and he  
5 didn't want Dr. Alperovich to realize how many pain  
6 patients he was seeing.

7 Q. Did Mr. Young talk to you about his attitude  
8 generally toward the requirement that he have a  
9 supervising physician?

10 A. He didn't like the idea of having one. He felt as  
11 if he was more qualified than most medical doctors and  
12 didn't need anybody's recommendation or -- or anything.  
13 He thought he could handle it himself.

14 Q. All right. At the bottom, it says: "We need what  
15 you discussed."

16 Let's go to the next page.

17 That's Mr. Young saying that. And at the top, what  
18 did you respond?

19 A. "I've talked to Corey about it, and he's actually  
20 going to do what I talked about, so none of our -- none  
21 of us are implicated. LOL."

22 Q. So what is -- what are you talking about here?

23 A. My ex-husband Corey was -- we were talking about  
24 getting a stamp with Dr. Alperovich's name to stamp his  
25 name on the charts instead of physically showing



1 Dr. Alperovich the charts.

2 Q. And who was going to do that stamping?

3 A. Corey was.

4 Q. And that's so that none of you were implicated?

5 A. Correct.

6 Q. And Mr. Young knew about this plan?

7 A. Yes.

8 Q. Was Dr. Alperovich the only supervising physician  
9 that you thought about or actually did get a stamp with  
10 his name?

11 A. I don't believe that we ever got the stamp for  
12 Dr. Alperovich. There was a stamp there, before I  
13 started working there, for Dr. Alston.

14 Q. And did you ever see Jeff Young using Dr. Alston's  
15 stamp?

16 A. Yes.

17 Q. Okay. Describe the circumstances under which he  
18 was stamping Dr. Alston's name.

19 A. There ever several different times that the board  
20 of nursing sent out a list of patients that they wanted  
21 to -- they were doing an investigation of Jeff, the board  
22 of nursing. And they were wanting to see different  
23 patient charts, several, several, several patient charts.  
24 And we would get the receptionist to pull the charts, and  
25 I would go through the charts looking at different things

1 to see when the last time a supervising physician had  
2 actually been in and reviewed this chart, if they'd ever  
3 reviewed the chart; flag different things if I thought  
4 Jeff needed to look at them. And he would go through  
5 those charts and add more stuff, add more documentation  
6 to the charts and use Dr. Alston's stamp to stamp the  
7 chart as if Dr. Alston was there and signed the chart.  
8 That was required of -- a physician was required to  
9 actually sign a hundred percent of pain patient charts, a  
10 hundred percent.

11 Q. So this -- so he was making it look to the medical  
12 board as though that had happened?

13 A. Correct.

14 Q. I see.

15 Did you -- did there come a time when  
16 Dr. Alperovich also quit?

17 A. Yes, ma'am.

18 Q. All right. I'm going to show you a document that  
19 is seven pages. It's internally marked as 202.

20 (A document was passed to the witness.)

21 **BY MS. PAYERLE:**

22 Q. Are these text messages with you around the time  
23 that Dr. Alperovich quit?

24 A. Yes, ma'am.

25 **MS. PAYERLE:** Okay. Move to admit.

1           **THE COURT:** We'll go ahead and receive it, seven  
2 pages of texts.

3           **MS. PAYERLE:** Thank you.

4           **THE COURT:** Exhibit Number 14.

5           (The above-mentioned item was marked as  
6 Exhibit No. 14.)

7           **MS. PAYERLE:** Let's go ahead and publish  
8 Exhibit 14, please.

9           Okay. So let's fast forward. Go ahead and flip  
10 to the next page. Flip to the next page, to be  
11 expeditious.

12           Oh, back up.

13           **MS. SILVERBERG:** Oh, sorry.

14           **MS. PAYERLE:** There we go. Sorry.

15           **BY MS. PAYERLE:**

16           Q. Okay. Let's -- let's blow up the top half of this  
17 page down to, I think, like here, let's say. There we  
18 go.

19           All right. Is this a series of text messages  
20 between you and Dr. Alperovich?

21           A. Yes, ma'am.

22           Q. And is this in June -- on June 9th of 2016, the  
23 column --

24           A. Yes, ma'am. Yes, ma'am.

25           Q. Okay. What do you -- what do you say to him on

1 that day?

2 A. I sent a message to him that said: "Good morning.  
3 I'm not telling Jeff about you resigning until this  
4 afternoon when the other NP" -- which is nurse  
5 practitioner -- "comes in. Please don't say anything to  
6 him this morning about it."

7 Q. Dr. Alperovich says: "I was going to call him.  
8 Why is it a concern?

9 And what did you say?

10 A. "He's a loose cannon. I don't want patients to  
11 suffer this morning. At least when April gets here, she  
12 can see the patients."

13 Q. Okay. Why -- I guess, what was your concern about  
14 Jeffrey Young and telling him that Dr. Alperovich had  
15 quit that day?

16 A. I knew that he would become irate and start  
17 drinking and --

18 Q. And did he?

19 A. He did.

20 Q. And have you already told the jury what happened on  
21 that day?

22 A. Yes. That's the day that he spit vodka and kicked  
23 me.

24 Q. After you lost Dr. Alperovich, how long was it  
25 before you found another supervising physician?

1 A. It was at least 30 days, if not longer.

2 Q. And let's take a look at a nine-page document the  
3 government's labeled 205.

4 (A document was passed to the witness.)

5 **BY MS. PAYERLE:**

6 Q. And is this a series of e-mails with a man named  
7 Andrew Rudin and documents attached?

8 A. Yes, ma'am.

9 Q. And who is Andrew Rudin?

10 A. He was the final overseeing doctor, overseeing  
11 physician.

12 **MS. PAYERLE:** Move to admit, Your Honor.

13 THE COURT: We'll go ahead and receive them.

14 **MS. PAYERLE:** Thank you.

15 **THE COURT:** Nine pages, exhibit 15.

16 (The above-mentioned item was marked as  
17 Exhibit No. 15.)

18 **MS. PAYERLE:** Let's go ahead and publish  
19 Exhibit 15.

20 **BY MS. PAYERLE:**

21 Q. Let's show -- let's go ahead and flip down a page.  
22 Is this a contract that you helped sort of  
23 facilitate between Jeff Young and Andrew Rudin?

24 A. Yes, ma'am.

25 Q. On Page 3, at the bottom half, I think, starting at

1 J, K, and L -- keep going all the way down. There we go.

2 Did Mr. Rudin, in this contract, agree to review  
3 and sign patient charts, visit the campus of  
4 Preventagenix clinic, and do the other things indicated  
5 here?

6 A. Yes, ma'am.

7 Q. Did he ever, to your knowledge, visit  
8 Preventagenix?

9 A. No, he never did.

10 Q. All right. At this point, I'm going to show you --  
11 I'm going to show you what's been internally marked as  
12 Government's 204. It's just one page. It's a single  
13 text message.

14 (A document was passed to the witness.)

15 A. Yes, ma'am.

16 **BY MS. PAYERLE:**

17 Q. And is that a text message about Dr. Rudin?

18 A. Yes, ma'am.

19 Q. And is it to you? Sorry. From you?

20 A. It's from me, yes, ma'am.

21 Q. Okay.

22 **MS. PAYERLE:** Move to admit, Your Honor.

23 **THE COURT:** Go ahead and receive the text. That  
24 will be Exhibit 16.

25 (The above-mentioned item was marked as

1 Exhibit No. 16.)

2 **BY MS. PAYERLE:**

3 Q. Who was Dr. Rudin to Mr. Young?

4 A. He was a friend of -- they were each other's  
5 friend.

6 Q. They're friends.

7 And where did Dr. Rudin live at the time?

8 A. I believe in Chicago. It was definitely not  
9 Tennessee. It was somewhere like Chicago or somewhere in  
10 that area.

11 Q. Okay. And I think I asked you this. Did he ever,  
12 to your knowledge, visit Preventagenix?

13 A. No, ma'am.

14 Q. I'm going to show you -- let's go ahead and pull  
15 up -- what was 204, the last exhibit we just --

16 **MS. SILVERBERG:** 16.

17 **MS. PAYERLE:** 16. Okay. Let's pull up 16.

18 **BY MS. PAYERLE:**

19 Q. And what did you text Tessa James there?

20 A. It says: "Do we have a "Dr. Rudin" stamp in yet?"

21 Q. Was the plan also to get a stamp for Dr. Rudin's  
22 signature?

23 A. Correct. Yes, ma'am.

24 Q. To be used in the same way as the prior stamps we  
25 talked about?

1 A. Not only that, but also it was common to stamp a  
2 doctor's signature on certain different orders that they  
3 necessarily didn't have to sign in person, but --

4 Q. Okay.

5 A. -- primarily for the charts.

6 Q. I'm going to show you -- and as quickly as I can  
7 here -- some further text messages with Mr. Young and a  
8 four-page document labeled Government's 216.

9 (A document was passed to the witness.)

10 **BY MS. PAYERLE:**

11 Q. Are these text messages between you and Mr. Young  
12 about Dr. Rudin?

13 A. Yes, ma'am.

14 **MS. PAYERLE:** Move to admit.

15 **THE COURT:** Be 17.

16 (The above-mentioned item was marked as  
17 Exhibit No. 17.)

18 **MS. PAYERLE:** Thank you.

19 Let's go ahead and publish Exhibit 17, please.

20 **BY MS. PAYERLE:**

21 Q. Ms. Gutgsell, was it easy or difficult to get  
22 Dr. Rudin to pay attention to the clinic or to do his  
23 job?

24 A. It was very difficult.

25 Q. All right. Let's start -- these start actually at



1 the bottom, so let's go through -- all the way to the --  
2 kind of the last of these. These start at the bottom and  
3 go back up.

4 **MS. PAYERLE:** So Ms. Silverberg, if you could  
5 just stroll to the last page of the exhibit.

6 **BY MS. PAYERLE:**

7 Q. Okay. And they start with a text message from you,  
8 so let's go blow up the top three texts, like the  
9 whole -- the whole part there in writing.

10 We'll start with -- you be you; I'll be Mr. Young,  
11 and start at the bottom.

12 A. "Did you get the signed contract to Nashville  
13 attorney?"

14 Q. "Yes. Meeting with him in Nashville, Friday,  
15 February the 13th."

16 A. "Good. What time?"

17 Q. Okay. Let's back out of that and go to the second  
18 page and blow it up, please.

19 "The 13th is a Monday. Sorry. It's January,  
20 Friday the 13th," says Mr. Young.

21 What do you say?

22 A. "Okay. Good. I'm going to have to fly you to  
23 Chicago soon. Pick a weekend. I need tons of stuff  
24 signed by Rudin again. It's impossible to get him to  
25 sign and mail back."

1 Q. Mr. Young says: "Okay."

2 Let's go to the first -- or the next page up. What  
3 do you say?

4 A. "I can fly you for free from Jackson. I'll give  
5 you enough cash from Preventagenix. Rich will never  
6 know."

7 Q. Who's Rich?

8 A. He was one of the owners.

9 Q. Okay. Mr. Young says: "Perfect."  
10 You say?

11 A. "I'll plan with Rudin when a good time for -- when  
12 is good for him, unless you want to."

13 Q. (Indiscernible).

14 **THE COURT REPORTER: Excuse me. What did you**  
15 **say?**

16 **BY MS. PAYERLE:**

17 Q. "You can?"

18 Let's go to the top.

19 Mr. Young says: "You know my schedule better than  
20 I."

21 A. "He's so difficult to nail down on anything."

22 Q. Mr. Young says: "Yeah, the perfect preceptor."

23 Did he ever talk to you about why Mr. Rudin or  
24 Dr. Rudin was the perfect preceptor?

25 A. Because he wasn't ever in the clinic, wasn't

1 breathing down Jeff's neck, wasn't asking questions. He  
2 didn't care what was going on either.

3 Q. And did Dr. Rudin ever sign any charts for the  
4 clinic?

5 A. He -- he never came to the office to sign any  
6 charts, but I did mail him charts for him to review and  
7 sign.

8 Q. Did you mail him complete charts?

9 A. No. I would just mail him the page that I needed  
10 him to sign.

11 Q. Okay. And did he sign and send those back?

12 A. He did.

13 Q. And did Mr. Young pay Dr. Rudin his thousand  
14 dollars for a month?

15 A. He did.

16 Q. Ms. Gutgsell, who hired and fired people at  
17 Preventagenix during the time that you were there?

18 A. Jeff or I did.

19 Q. Okay. And who made the decision ultimately about  
20 who got hired and fired?

21 A. Jeff.

22 Q. Did he pay the rent for Preventagenix out of a  
23 Preventagenix account?

24 A. He did. I wrote the check, he signed it, and I  
25 mailed it.

1 Q. Okay. And did he lease or maintain the Murray  
2 Guard property for anything else besides the medical  
3 practice that we've been discussing? Like, was there  
4 anything else going on there besides the medical practice  
5 Preventagenix?

6 A. Well, like, he would have different Botox parties  
7 or art parties or just regular parties in general.

8 Q. But related to the medical practice or unrelated?

9 A. Unrelated.

10 Q. Okay. Was Preventagenix primarily a medical  
11 clinic?

12 A. Yes, ma'am.

13 Q. Okay. You testified about sort of your -- how you  
14 took responsibility for your role in Preventagenix. For  
15 as long as you've known him, did Jeff Young ever take  
16 responsibility for his part?

17 A. He has never taken responsibility.

18 Q. Has he blamed others?

19 A. Yes, ma'am.

20 Q. Can you tell the jury who -- who he's blamed for  
21 his troubles over the years?

22 A. He's blamed me. He's blamed his ex-wife. He's  
23 blamed the last office manager before me. He's blamed  
24 the government. He's blamed everyone but himself.

25 Q. Let's take a look at what's been premarked as

1 Exhibit 711. It's a one-page document.

2 (A document was passed to the witness.)

3 **BY MS. PAYERLE:**

4 Q. A letter from Humana?

5 A. Yes, ma'am.

6 Q. Dated December 22, 2016, and addressed to Jeff  
7 Young?

8 A. Yes, ma'am.

9 **MS. PAYERLE:** Move to admit, Your Honor.

10 **THE COURT:** That will be Number 18, the letter.

11 (The above-mentioned item was marked as  
12 Exhibit No. 18.)

13 **MS. PAYERLE:** Number 18. And let's go ahead and  
14 publish.

15 **BY MS. PAYERLE:**

16 Q. Now, is this a letter from an insurance company?

17 A. Yes, ma'am. Humana.

18 Q. Let's take a look at the top two paragraphs. It  
19 says: "You have been" -- the second paragraph there  
20 says: "You have been identified as being within the top  
21 one percent of opioid prescribers, excluding  
22 oncologists."

23 And he encloses a report. Do you see that?

24 A. Yes, ma'am.

25 Q. Let's back out a little bit or back out to the --

1 Okay. There's handwriting on this letter. Whose  
2 handwriting is that?

3 A. That is Jeff's.

4 Q. Was this letter an example of kind of people  
5 questioning his methods?

6 A. Yes, ma'am. There was different letters about  
7 the -- that were about the same thing.

8 Q. Who else were questioning, at this time, the amount  
9 of prescribing that he was doing?

10 A. Other insurance companies. He was being  
11 investigated by the board of nursing as well.

12 Q. And did he ever express his belief that somebody  
13 was behind all of this?

14 A. Yes. He -- there's the conspiracy theories  
15 between, you know, another nurse practitioner in town  
16 named John Michael Briley; he was behind it, his ex-wife  
17 Dawn, the government, his haters.

18 Q. Okay. You mentioned haters. At this time, have  
19 you ever seen a video posted on YouTube about Uncle Kevin  
20 talking about Mr. Young and his haters?

21 A. Yes, ma'am.

22 Q. Okay.

23 **MS. PAYERLE:** At this time, Your Honor, the  
24 government would admit that video as -- it's marked 609.

25 **THE COURT:** Okay. Video. It will be Exhibit

1 Number 19. How long is it?

2 **MS. PAYERLE:** I believe it's only 30 seconds  
3 maybe.

4 It's two minutes and 30 seconds.

5 **THE COURT:** Go ahead.

6 **MS. PAYERLE:** Thank you, Your Honor.

7 (The above-mentioned item was marked as  
8 Exhibit No. 19.)

9 (An audio-video recording was played.)

10 **MS. PAYERLE:** I'll take that down.

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**THE COURT:** I think this is a good place for us to break for lunch.

**MS. PAYERLE:** Okay. Your Honor, that's fine.

**THE COURT:** All right. Ladies and gentlemen, your lunch is waiting for you in the jury room back there, so going to take a little time for you to go ahead and enjoy lunch.

Let's see. I'm going to look at that clock. It's almost 12:30, so we'll pick this up at 1:30. Go ahead and enjoy. Remember my admonitions about, you know, independent investigations, things like that. Don't discuss the case. I may have mentioned before, you need to leave your notebooks in your chairs there. They will be there when you come back in. Okay.

Let's go ahead and break for lunch.

(Jury out at 12:23 p.m.)

**THE COURT:** Remember don't discuss your testimony over the lunch break. Okay?

**THE WITNESS:** Yes, sir. Thank you.

**THE COURT:** You can step down.

(The witness complies with the request.)

**THE COURT:** Okay. We'll be in recess.

**MS. PAYERLE:** Judge, whatever it's worth, I only



1 have one question, just to your earlier --

2 **THE COURT:** I'm sorry?

3 **MS. PAYERLE:** I only have one more question, to  
4 your earlier concern. We've been cutting a fair amount.

5 **THE COURT:** Appreciate it. Thank you. We'll be  
6 in recess.

7 (The morning session concluded at 12:24 p.m.)

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**C E R T I F I C A T E**

I, LASHAWN MARSHALL, RPR, LCR, do hereby  
certify that the foregoing 145 pages are, to the best of  
my knowledge, skill, and abilities, a true and accurate  
transcript from my stenotype notes of the Jury Trial  
proceedings on the 28th day of March, 2023, in the matter  
of:

United States of America

vs.

Jeffrey W. Young, Jr.

Dated this 28th day of March, 2023

S/ Lashawn Marshall  
Lashawn Marshall, RPR, LCR  
Official Court Reporter  
United States District Court  
Western District of Tennessee